

EXHIBIT

A

1
2 UNITED STATES DISTRICT COURT
3 SOUTHERN DISTRICT OF NEW YORK

4 KATHRYN SHIBER,

5 Plaintiff,

6 -against-

7 CENTERVIEW PARTNERS LLC,

8 Defendant.

9 1:21-cv-03649 (ER)

10
11 January 25, 2023

12 10:06 a.m.

13
14
15 DEPOSITION of KATHRYN SHIBER,
16 taken by Defendant, pursuant to Notice,
17 held at the offices of QUINN EMANUEL
18 URQUHART & SULLIVAN LLP, 51 Madison
19 Avenue, New York, New York before Wayne
20 Hock, a Notary Public of the State of New
21 York.

<p style="text-align: right;">Page 2</p> <p>1 2 APPEARANCES: 3 4 SCHWARTZ PERRY & HELLER LLP Attorneys for Plaintiff 3 Park Avenue New York, New York 10016 BY: BRIAN HELLER, ESQ. bheller@sphlegal.com 7 -and- 8 9 CLAYMAN ROSENBERG KIRSHNER & LINDER LLP 305 Madison Avenue New York, New York 10165 10 BY: JAMES F. VALENTINO, ESQ. valentino@clayro.com 11 12 13 QUINN EMANUEL URQUHART & SULLIVAN LLP Attorneys for Defendant 51 Madison Avenue New York, New York 10010 14 15 BY: HOPE D. SKIBITSKY, ESQ. hopeskibitsky@quinnemanuel.com 16 JENNIFER J. BARRETT, ESQ. jenniferbarrett@quinnemanuel.com 17 JANICE YOON, ESQ. janiceyoon@quinnemanuel.com 18 19 20 ALSO PRESENT: ANTON EVANGELISTA, 21 Videographer AMANDA KOSOWSKY 22 23 * * * 24 25</p>	<p style="text-align: right;">Page 4</p> <p>1 2 videographer. 3 The court reporter is Wayne Hock 4 from the firm Veritext. 5 I'm not authorized to administer 6 an oath, I'm not related to any party 7 in this action, nor am I financially 8 interested in the outcome. 9 If there are any objections to 10 proceeding, please state them at the 11 time of your appearance. 12 Counsel and all present will now 13 state their appearances and 14 affiliations for the record, beginning 15 with the noticing attorney. 16 MS. SKIBITSKY: Hope Skibitsky 17 from Quinn, Emanuel, Urquhart and 18 Sullivan here with my colleagues 19 Jennifer Barrett and Janice Yoon, and 20 we are here on behalf of Centerview 21 Partners LLC. 22 MR. HELLER: Brian Heller of 23 Schwartz Perry and Heller for the 24 plaintiff. 25 MR. VALENTINO: James Valentino,</p>
<p style="text-align: right;">Page 3</p> <p>1 2 THE VIDEOGRAPHER: Good morning. 3 We are going on the record at 10:06 4 a.m. on January 25, 2023. 5 Please note that the microphones 6 are sensitive and may pick up 7 whispering and private conversations. 8 Please mute your phones at this 9 time. 10 Audio and video recording will 11 continue to take place, unless all 12 parties agree to go off the record. 13 This is media unit one of the 14 video recorded deposition of Kathryn 15 Shiber taken by counsel for Plaintiff 16 [sic] in the matter of Kathryn Shiber 17 versus Centerview Partners filed in 18 the United States District Court, 19 Southern District of New York, case 20 number 1:21-CV-03649-ER. 21 The location of the deposition 22 is Quinn Emanuel, 51 Madison Avenue in 23 New York City. 24 My name is Anton Evangelista 25 representing Veritext, and I am the</p>	<p style="text-align: right;">Page 5</p> <p>1 2 Clayman Rosenberg Kirshner and Linder, 3 on behalf of the plaintiff. 4 THE WITNESS: Kathryn Shiber, 5 the plaintiff. 6 THE VIDEOGRAPHER: And will the 7 court reporter please swear in the 8 witness, and then counsel may proceed. 9 KATHRYN SHIBER, having 10 been first duly sworn by a 11 Notary Public of the State of 12 New York, upon being examined, 13 testified as follows: 14 EXAMINATION BY 15 MS. SKIBITSKY: 16 Q. Good morning, Ms. Shiber. 17 A. Good morning. 18 Q. As you just heard, my name is 19 Hope Skibitsky. I'm an attorney for 20 Centerview. 21 Have you been deposed before? 22 A. No. 23 Q. This is your first deposition? 24 A. Yes. 25 Q. Are you on any medications</p>

<p style="text-align: right;">Page 6</p> <p>1 K. Shiber</p> <p>2 today?</p> <p>3 A. No.</p> <p>4 Q. You're not taking any</p> <p>5 medications at all today?</p> <p>6 A. No.</p> <p>7 Q. Is there any reason, medical or</p> <p>8 otherwise, that you would not be able to</p> <p>9 provide truthful testimony today?</p> <p>10 A. No.</p> <p>11 Q. Do you understand that you were</p> <p>12 just sworn in, and so everything that you</p> <p>13 testify to today means that you are under</p> <p>14 oath and you're required to testify</p> <p>15 truthfully?</p> <p>16 A. Yes, I understand.</p> <p>17 Q. And so your testimony today has</p> <p>18 the same impact as if we were sitting in a</p> <p>19 court with the judge present.</p> <p>20 Do you understand that?</p> <p>21 A. Yes, I understand that.</p> <p>22 Q. I'm going to ask you some</p> <p>23 questions and your answers will be</p> <p>24 recorded by our court reporter, so I'd ask</p> <p>25 that you give verbal answers as opposed to</p>	<p style="text-align: right;">Page 8</p> <p>1 K. Shiber</p> <p>2 Q. Ms. Shiber, what is your current</p> <p>3 address?</p> <p>4 A. [REDACTED], San</p> <p>5 Francisco, California 94117.</p> <p>6 Q. How long have you been living at</p> <p>7 Frederick Street?</p> <p>8 A. Since January of 2022.</p> <p>9 Q. Who do you live with at</p> <p>10 Frederick Street?</p> <p>11 A. I live by myself.</p> <p>12 Q. Where were you living prior to</p> <p>13 the Frederick Street address?</p> <p>14 A. Immediately prior?</p> <p>15 Q. Immediately prior to January,</p> <p>16 2022.</p> <p>17 A. I was living at [REDACTED]</p> <p>[REDACTED] North Arlington, New Jersey.</p> <p>19 Q. And who were you living with at</p> <p>20 Belmont Ave?</p> <p>21 A. My cousin and her fiancé.</p> <p>22 Q. What period of time were you</p> <p>23 living at the Belmont Ave address?</p> <p>24 A. Just a few months, from about</p> <p>25 September of 2021 to December of 2021.</p>
<p style="text-align: right;">Page 7</p> <p>1 K. Shiber</p> <p>2 head nods and not uh-huhs and uh-uh and</p> <p>3 those sorts of terms.</p> <p>4 And I'll also ask that you</p> <p>5 please let me finish my question before</p> <p>6 you start answering and I'll try to do the</p> <p>7 same when you answer, and that's for the</p> <p>8 benefit of the court reporter.</p> <p>9 It's really important that you</p> <p>10 understand the questions that I'm asking,</p> <p>11 so if you don't understand a question,</p> <p>12 please let me know and I'll do my best to</p> <p>13 clarify the question.</p> <p>14 Your attorneys may object to my</p> <p>15 question. If he does so, I'd ask that you</p> <p>16 answer the question, unless he instructs</p> <p>17 you otherwise.</p> <p>18 And we'll take regular breaks,</p> <p>19 but if at appoint you need a break, just</p> <p>20 let us know and we can take that break. I</p> <p>21 just ask that you wait until you've</p> <p>22 answered the question that's pending</p> <p>23 before you go ahead and do that.</p> <p>24 Do you have any questions?</p> <p>25 A. No questions.</p>	<p style="text-align: right;">Page 9</p> <p>1 K. Shiber</p> <p>2 Q. And prior to the Belmont Ave</p> <p>3 address, where were you living?</p> <p>4 A. [REDACTED] River Vale,</p> <p>5 New Jersey 07675.</p> <p>6 Q. Who were you living with in</p> <p>7 River Vale?</p> <p>8 A. My mother and my brother.</p> <p>9 Q. And what period of time were you</p> <p>10 at that River Vale address?</p> <p>11 A. Intermittently, because I was in</p> <p>12 college, but that was my permanent</p> <p>13 residence since 2013, I believe.</p> <p>14 Q. And when you were at college,</p> <p>15 were you living on or near the campus?</p> <p>16 A. In different years I lived in</p> <p>17 different places.</p> <p>18 Q. All close to Dartmouth; is that</p> <p>19 right?</p> <p>20 A. Yes.</p> <p>21 Q. And what period of time were you</p> <p>22 actually living in New Hampshire?</p> <p>23 A. I was living in New Hampshire</p> <p>24 from August of 2016 through June of 2020,</p> <p>25 like I mentioned, with breaks.</p>

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<p style="text-align: right;">Page 10</p> <p>1 K. Shiber</p> <p>2 Q. Through June of 2020, so that</p> <p>3 was during COVID that you were still</p> <p>4 living in New Hampshire?</p> <p>5 A. Yes.</p> <p>6 Q. Did you graduate in June, 2020</p> <p>7 from Dartmouth?</p> <p>8 A. Yes, I graduated.</p> <p>9 Q. So after you left the Orange</p> <p>10 Court address and you went to -- did you</p> <p>11 go straight to Belmont Avenue? That was</p> <p>12 your next residence?</p> <p>13 A. That was my next residence, yes.</p> <p>14 Q. Okay.</p> <p>15 And you went there in September</p> <p>16 of 2021.</p> <p>17 Did you move to the Belmont</p> <p>18 address from the Orange Court location, or</p> <p>19 were you living somewhere after Orange</p> <p>20 Court before you went to live with your</p> <p>21 cousin and her fiancé?</p> <p>22 A. No, I was living at Orange Court</p> <p>23 and then I went to live at the Belmont</p> <p>24 address at that time.</p> <p>25 Q. Why did you move to the Belmont</p>	<p style="text-align: right;">Page 12</p> <p>1 K. Shiber</p> <p>2 Street; is that correct?</p> <p>3 A. Yes.</p> <p>4 Q. What did you do to prepare for</p> <p>5 today's deposition?</p> <p>6 A. I met with my lawyers several</p> <p>7 times, I reviewed the documents that we</p> <p>8 provided and that you provided, and I</p> <p>9 reviewed the complaint.</p> <p>10 Q. When did you first meet with</p> <p>11 your lawyers to prepare for the</p> <p>12 deposition?</p> <p>13 A. Specifically to prepare for the</p> <p>14 deposition? I don't recall the exact</p> <p>15 date. About -- yeah, I don't recall the</p> <p>16 exact date.</p> <p>17 Q. Was it in January of this year?</p> <p>18 A. Yes, I believe so.</p> <p>19 Q. And how many times did you meet</p> <p>20 with your lawyers in preparation for the</p> <p>21 deposition?</p> <p>22 A. In person or virtually?</p> <p>23 Q. We'll do in person first.</p> <p>24 How many times did you meet with</p> <p>25 your lawyers in person in preparation for</p>
<p style="text-align: right;">Page 11</p> <p>1 K. Shiber</p> <p>2 address in September of 2021?</p> <p>3 A. The house that we were living in</p> <p>4 was -- my family had been renting and it</p> <p>5 was for sale and the landlord wanted my</p> <p>6 family to move out so that they could</p> <p>7 proceed with the sale.</p> <p>8 Q. And then why did you decide to</p> <p>9 move -- in December of 2021, you then</p> <p>10 moved to San Francisco; is that correct?</p> <p>11 A. I moved in January of 2022.</p> <p>12 Q. January of 2022 you moved to San</p> <p>13 Francisco.</p> <p>14 Why did you decide to move to</p> <p>15 San Francisco in January of 2022?</p> <p>16 A. It was a condition of my job</p> <p>17 that I had started working in September.</p> <p>18 The company is based in the Bay Area, and</p> <p>19 so they were remote at the time but there</p> <p>20 was the expectation that I would have to</p> <p>21 be in the Bay Area when they return to</p> <p>22 office following COVID, so that's why I</p> <p>23 moved.</p> <p>24 Q. And that's -- you're currently</p> <p>25 living in the Bay Area in the Frederick</p>	<p style="text-align: right;">Page 13</p> <p>1 K. Shiber</p> <p>2 the deposition?</p> <p>3 A. In person, I met with the</p> <p>4 lawyers one time for preparation.</p> <p>5 Q. And do you recall when that</p> <p>6 meeting was?</p> <p>7 A. I don't recall the exact date.</p> <p>8 Q. And did you meet with your</p> <p>9 lawyers in a format other than in person?</p> <p>10 A. Yes, I met on the phone and</p> <p>11 video as well.</p> <p>12 Q. And do you recall approximately</p> <p>13 how many times you met with your lawyers</p> <p>14 on the phone in preparation for the</p> <p>15 deposition?</p> <p>16 A. On the phone, I met with them</p> <p>17 about twice, I believe.</p> <p>18 Q. And was there any -- you met</p> <p>19 with your attorneys on video; is that</p> <p>20 right?</p> <p>21 A. Yes, I also met on video.</p> <p>22 Q. Okay.</p> <p>23 And how many times did you meet</p> <p>24 with your attorneys on video in</p> <p>25 preparation for the deposition?</p>

<p style="text-align: right;">Page 14</p> <p>1 K. Shiber</p> <p>2 A. About three times.</p> <p>3 Q. Approximately how long were your</p> <p>4 meeting with your attorneys preparing for</p> <p>5 the deposition?</p> <p>6 A. The first one in person was</p> <p>7 about six hours. The subsequent ones over</p> <p>8 video were about two hours each. And over</p> <p>9 the phone total probably less than one</p> <p>10 hour.</p> <p>11 Q. And were both of your attorneys</p> <p>12 sitting here today present for each of</p> <p>13 those meetings?</p> <p>14 A. Not every single meeting.</p> <p>15 Q. Was there anyone else present at</p> <p>16 any of the meetings that we just</p> <p>17 discussed?</p> <p>18 A. No.</p> <p>19 Q. Did any of the documents that</p> <p>20 you looked at in preparation for today's</p> <p>21 deposition refresh your recollection of</p> <p>22 any events?</p> <p>23 MR. HELLER: Objection.</p> <p>24 You can answer.</p> <p>25 THE WITNESS: Of any events in a</p>	<p style="text-align: right;">Page 16</p> <p>1 K. Shiber</p> <p>2 against because of a disability; is that</p> <p>3 correct?</p> <p>4 A. Yes.</p> <p>5 Q. What disability are you alleging</p> <p>6 that you had while you were employed by</p> <p>7 Centerview?</p> <p>8 A. Anxiety disorder and mood</p> <p>9 disorder.</p> <p>10 Q. When were you diagnosed with</p> <p>11 anxiety disorder?</p> <p>12 A. In high school.</p> <p>13 Q. Were you diagnosed by a medical</p> <p>14 provider with anxiety disorder in high</p> <p>15 school?</p> <p>16 A. Yes.</p> <p>17 Q. Do you recall that provider's</p> <p>18 name?</p> <p>19 A. No.</p> <p>20 Q. Do you recall what year that</p> <p>21 diagnosis was?</p> <p>22 A. I don't recall the exact year.</p> <p>23 Q. What caused you in high school</p> <p>24 to inquire about a potential diagnosis or</p> <p>25 to see a medical provider about a</p>
<p style="text-align: right;">Page 15</p> <p>1 K. Shiber</p> <p>2 certain category, any events at all?</p> <p>3 Q. Of any events during your time</p> <p>4 at Centerview.</p> <p>5 MR. HELLER: Objection.</p> <p>6 THE WITNESS: Can you define</p> <p>7 refresh my recollection, please?</p> <p>8 Q. Sure.</p> <p>9 Were you reading any or</p> <p>10 reviewing any documents and you thought</p> <p>11 oh, I remember that incident or I remember</p> <p>12 that e-mail, for example?</p> <p>13 A. I don't believe there were any</p> <p>14 events or incidents referred to in the</p> <p>15 documents that I was aware of at the time</p> <p>16 and then forgot and re-remembered.</p> <p>17 Q. Understood.</p> <p>18 So did you look at documents</p> <p>19 that you were not necessarily aware of at</p> <p>20 the time that they were authored or</p> <p>21 created?</p> <p>22 A. Yes.</p> <p>23 Q. Okay.</p> <p>24 Ms. Shiber, in this lawsuit, you</p> <p>25 are alleging that you were discriminated</p>	<p style="text-align: right;">Page 17</p> <p>1 K. Shiber</p> <p>2 diagnosis?</p> <p>3 A. I didn't see a provider</p> <p>4 specifically seeking a diagnosis, but I</p> <p>5 sought medical treatment for symptoms that</p> <p>6 I was experiencing.</p> <p>7 Q. What were those symptoms that</p> <p>8 you were experiencing in high school?</p> <p>9 MR. HELLER: Objection.</p> <p>10 You can answer.</p> <p>11 THE WITNESS: Specifically</p> <p>12 related to anxiety or all of the</p> <p>13 symptoms that I experienced in high</p> <p>14 school?</p> <p>15 Q. All of the symptoms that you</p> <p>16 experienced in high school.</p> <p>17 A. I experienced anxiety,</p> <p>18 ruminating thoughts, headaches, migraines,</p> <p>19 panic attacks, compulsive behaviors,</p> <p>20 sensitivity to noise, sensitivity to</p> <p>21 sound, trouble concentrating, fatigue,</p> <p>22 trouble falling asleep, additional</p> <p>23 physical symptoms that I can't recall but</p> <p>24 common illnesses, colds, fevers, coughs,</p> <p>25 mood swings, depression, low self-esteem.</p>

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<p style="text-align: right;">Page 18</p> <p>1 K. Shiber</p> <p>2 I'm not sure the list is</p> <p>3 conclusive, but those are included in the</p> <p>4 symptoms that I experienced. Or</p> <p>5 exhaustive, sorry, not conclusive.</p> <p>6 Q. Were you prescribed any</p> <p>7 medications in high school to assist with</p> <p>8 any of the symptoms that you just</p> <p>9 identified?</p> <p>10 MR. HELLER: Objection.</p> <p>11 I'm going to object to the</p> <p>12 medication she took when she was a</p> <p>13 minor in high school. I don't see how</p> <p>14 that's relevant to the claims in this</p> <p>15 case.</p> <p>16 MS. SKIBITSKY: I think it's</p> <p>17 absolutely relevant to the claims in</p> <p>18 this case.</p> <p>19 MR. HELLER: In what way?</p> <p>20 MS. SKIBITSKY: In the way that</p> <p>21 she's alleging that she has an anxiety</p> <p>22 and mood disorder and I'm trying to</p> <p>23 understand the genesis of that anxiety</p> <p>24 and mood disorder.</p> <p>25 MR. HELLER: I'm going to object</p>	<p style="text-align: right;">Page 20</p> <p>1 K. Shiber</p> <p>2 certain symptoms and we're entitled to</p> <p>3 probe when those symptoms arose and</p> <p>4 the veracity of those symptoms based</p> <p>5 on whether she was, A, diagnosed and,</p> <p>6 B, treated with any sorts of</p> <p>7 medication. That's highly relevant to</p> <p>8 the symptoms that she's saying were</p> <p>9 caused by her treatment by Centerview.</p> <p>10 MR. HELLER: I would agree that</p> <p>11 you're entitled to investigate that in</p> <p>12 2020. I don't think you're entitled</p> <p>13 to question whether or not she was</p> <p>14 lying as a child about these symptoms.</p> <p>15 I don't think that's fair and I think</p> <p>16 that's a far intrusion into her</p> <p>17 personal life as a minor and I'm going</p> <p>18 to instruct the witness not to answer.</p> <p>19 We can call the court if you'd like.</p> <p>20 Q. At what point in time --</p> <p>21 MS. SKIBITSKY: I have intentions</p> <p>22 to ask about the medications she was</p> <p>23 prescribed at Dartmouth, which are</p> <p>24 certainly relevant.</p> <p>25 At what point in time is it your</p>
<p style="text-align: right;">Page 19</p> <p>1 K. Shiber</p> <p>2 to going into the specifics of what</p> <p>3 her medication was when she was in</p> <p>4 high school and I'm going to direct</p> <p>5 the witness not to answer that. We've</p> <p>6 spoken about this before and we object</p> <p>7 to any type of intrusion into her</p> <p>8 medical records when she was a minor.</p> <p>9 I don't see how that relates to why</p> <p>10 she was not accommodated at</p> <p>11 Centerview.</p> <p>12 MS. SKIBITSKY: I don't see the</p> <p>13 difference between my asking a</p> <p>14 question about her diagnoses of</p> <p>15 anxiety in high school and how she was</p> <p>16 treated as a result of those</p> <p>17 diagnoses, any medical treatment that</p> <p>18 she sought.</p> <p>19 MR. HELLER: I do. You asked her</p> <p>20 what led her to seek treatment, the</p> <p>21 symptoms, where that's not the</p> <p>22 treatment she received.</p> <p>23 MS. SKIBITSKY: She's claiming</p> <p>24 that -- the plaintiff is claiming that</p> <p>25 her treatment from Centerview caused</p>	<p style="text-align: right;">Page 21</p> <p>1 K. Shiber</p> <p>2 position that you're going to instruct</p> <p>3 the witness not to answer questions</p> <p>4 about medications she was on?</p> <p>5 MR. HELLER: We've discussed this</p> <p>6 and we've agreed to disclosure to</p> <p>7 anything that happened when she was at</p> <p>8 Dartmouth. I think when she's in high</p> <p>9 school is unnecessary and an</p> <p>10 intrusion. So I would say from when</p> <p>11 she went to Dartmouth would be an</p> <p>12 appropriate starting point to inquire</p> <p>13 into her emotional condition.</p> <p>14 MS. SKIBITSKY: I'm going to ask</p> <p>15 a question of Ms. Shiber, and I</p> <p>16 understand that you may object, but</p> <p>17 I'm going to ask the question.</p> <p>18 Q. Ms. Shiber, were you prescribed</p> <p>19 any medications to deal with any of the</p> <p>20 symptoms that you've just identified while</p> <p>21 you were in high school?</p> <p>22 MR. HELLER: I'm going to object,</p> <p>23 but I am going to allow the witness to</p> <p>24 answer that question.</p> <p>25 THE WITNESS: Sorry, could you</p>

6 (Pages 18 - 21)

<p style="text-align: right;">Page 22</p> <p>1 K. Shiber</p> <p>2 repeat the question?</p> <p>3 Q. Sure.</p> <p>4 When you were in high school,</p> <p>5 were you prescribed any medications to</p> <p>6 deal with anxiety?</p> <p>7 A. When I was in high school, I was</p> <p>8 not prescribed any medications intended</p> <p>9 specifically for the treatment of anxiety</p> <p>10 disorder.</p> <p>11 Q. What do you mean by "intended</p> <p>12 specifically for the treatment of anxiety</p> <p>13 disorder"?</p> <p>14 A. There are a variety of symptoms</p> <p>15 related to anxiety disorder which have</p> <p>16 treatments for those individual symptoms,</p> <p>17 but I was not prescribed a medication that</p> <p>18 is intended for the broad condition of</p> <p>19 anxiety disorder.</p> <p>20 Q. Were you prescribed any</p> <p>21 medications that would deal with some of</p> <p>22 the attendant symptoms of anxiety disorder</p> <p>23 or did you take medications that might</p> <p>24 have been over-the-counter medications,</p> <p>25 for example?</p>	<p style="text-align: right;">Page 24</p> <p>1 K. Shiber</p> <p>2 currently?</p> <p>3 A. Yes.</p> <p>4 Q. What are the symptoms of mood</p> <p>5 disorder as you currently have it that you</p> <p>6 experience?</p> <p>7 A. Mood swings, periods of elevated</p> <p>8 high mood described as mania, periods of</p> <p>9 low mood described as depression or</p> <p>10 depressive episodes, racing thoughts,</p> <p>11 elevated heart rate, little interest or</p> <p>12 pleasure in doing things, feeling down and</p> <p>13 hopeless, having -- as the name implies,</p> <p>14 having sudden shifts in mood between</p> <p>15 different conditions or states. This</p> <p>16 again may not be an exhaustive list.</p> <p>17 Q. And you identified one of the</p> <p>18 symptoms of anxiety that you were</p> <p>19 experiencing in high school as depression;</p> <p>20 is that right?</p> <p>21 A. Yes, I think there's -- yes.</p> <p>22 Q. How did the depression that you</p> <p>23 experienced in high school manifest during</p> <p>24 high school?</p> <p>25 A. It manifested as low</p>
<p style="text-align: right;">Page 23</p> <p>1 K. Shiber</p> <p>2 A. Yes, I was prescribed and did</p> <p>3 take medications related to some of the</p> <p>4 symptoms.</p> <p>5 Q. What symptoms specifically were</p> <p>6 those medications related to?</p> <p>7 A. Headaches, nausea, I took</p> <p>8 additional over-the-counter medication</p> <p>9 that was not prescribed, including</p> <p>10 melatonin. I may have been prescribed</p> <p>11 additional medication beyond what I can</p> <p>12 recall, as it was -- it is not in my</p> <p>13 immediate recollection.</p> <p>14 Q. And were you diagnosed with mood</p> <p>15 disorder in high school?</p> <p>16 A. No.</p> <p>17 Q. Do you believe that you had mood</p> <p>18 disorder in high school?</p> <p>19 MR. HELLER: Objection.</p> <p>20 You can answer.</p> <p>21 THE WITNESS: I'm not a medical</p> <p>22 professional, so I don't think I can</p> <p>23 make any claims as to what conditions</p> <p>24 I may or may not have had.</p> <p>25 Q. Do you have mood disorder</p>	<p style="text-align: right;">Page 25</p> <p>1 K. Shiber</p> <p>2 self-esteem, low mood, little interest in</p> <p>3 doing things, not getting pleasure from</p> <p>4 activities one might normally think are</p> <p>5 enjoyable, avoiding being in social</p> <p>6 situations or in public, thoughts of --</p> <p>7 existential thoughts, thoughts of ending</p> <p>8 my life, negative mood and feelings</p> <p>9 towards others, ruminating thoughts and --</p> <p>10 yeah.</p> <p>11 Again, there may be additional</p> <p>12 that I'm not recalling right now.</p> <p>13 Q. Where and what you just</p> <p>14 identified were the symptoms that you</p> <p>15 experienced which you would characterize</p> <p>16 as the symptoms of your depression while</p> <p>17 in high school; is that correct?</p> <p>18 A. Yes.</p> <p>19 Q. When were you diagnosed with</p> <p>20 unspecified mood disorder?</p> <p>21 A. I was diagnosed with that in</p> <p>22 college. I believe it was 2017 or 2018.</p> <p>23 Q. Do you recall who diagnosed you</p> <p>24 with that?</p> <p>25 A. Dr. Da-shih Hu.</p>

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<p style="text-align: right;">Page 26</p> <p>1 K. Shiber</p> <p>2 Q. Did you see any therapist while</p> <p>3 you were in high school?</p> <p>4 A. Yes.</p> <p>5 Q. What was the reason that you saw</p> <p>6 a therapist when you were in high school?</p> <p>7 MR. HELLER: Objection.</p> <p>8 You can answer.</p> <p>9 THE WITNESS: I saw a therapist</p> <p>10 in high school for several reasons,</p> <p>11 including the conditions that we've</p> <p>12 discussed, coping strategies for</p> <p>13 symptoms of depression and anxiety,</p> <p>14 concerns about my social position in</p> <p>15 high school and friendships and things</p> <p>16 of that nature.</p> <p>17 Q. Since the diagnosis of the</p> <p>18 anxiety disorder which you've identified</p> <p>19 as having been diagnosed while you were in</p> <p>20 high school and the diagnosis of mood</p> <p>21 disorder which you've identified as having</p> <p>22 been diagnosed while at Dartmouth, have</p> <p>23 you been diagnosed with any other mental</p> <p>24 health-related issues or conditions?</p> <p>25 A. I don't think so.</p>	<p style="text-align: right;">Page 28</p> <p>1 K. Shiber</p> <p>2 A. Headaches, migraines,</p> <p>3 sensitivity to noise, sensitivity to</p> <p>4 light, excessive sleepiness, daytime</p> <p>5 fatigue, trouble concentrating, trouble</p> <p>6 focusing for extended periods of time,</p> <p>7 slowness in reading, decreased memory</p> <p>8 skills, and need for additional sleep to</p> <p>9 combat the fatigue and other symptoms.</p> <p>10 Q. Were you diagnosed with</p> <p>11 postconcussive syndrome on multiple</p> <p>12 occasions or was it that 2012 diagnosis?</p> <p>13 A. I don't recall if, when I was</p> <p>14 seen over time, if conditioned</p> <p>15 conversation or discussion about that</p> <p>16 syndrome was a new diagnosis or if it was</p> <p>17 recognition of an ongoing diagnosis or</p> <p>18 situation, but I experienced it beyond</p> <p>19 2012.</p> <p>20 Q. In 2012, when you were diagnosed</p> <p>21 with postconcussive syndrome, were you</p> <p>22 prescribed any sort of treatment plan?</p> <p>23 A. Yes.</p> <p>24 Q. And what was the treatment that</p> <p>25 you were prescribed in 2012?</p>
<p style="text-align: right;">Page 27</p> <p>1 K. Shiber</p> <p>2 Actually, sorry, can I ask you</p> <p>3 to clarify what do you mean by mental</p> <p>4 health-related issues or conditions?</p> <p>5 Q. Sure.</p> <p>6 I'm not interested in hearing</p> <p>7 whether you've been diagnosed with the flu</p> <p>8 or COVID, but any medical diagnosis that</p> <p>9 would require you being seen or treated by</p> <p>10 a professional medical provider with a</p> <p>11 background in either psychology or</p> <p>12 somebody who is an M.D., somebody with a</p> <p>13 medical degree, or a therapist.</p> <p>14 A. Yes, I was also diagnosed with</p> <p>15 postconcussive syndrome as well as</p> <p>16 hypsomnia.</p> <p>17 Q. When were you diagnosed with</p> <p>18 postconcussive syndrome?</p> <p>19 A. Starting in around 2012.</p> <p>20 Q. That would have been while you</p> <p>21 were in high school?</p> <p>22 A. Yes.</p> <p>23 Q. What were the symptoms of</p> <p>24 postconcussive syndrome that you</p> <p>25 experienced?</p>	<p style="text-align: right;">Page 29</p> <p>1 K. Shiber</p> <p>2 MR. HELLER: Objection.</p> <p>3 You can answer.</p> <p>4 THE WITNESS: The treatment that</p> <p>5 I was prescribed was to, in the short</p> <p>6 term immediately following the</p> <p>7 concussion, was to stop my normal</p> <p>8 activities, stay home, stay in the</p> <p>9 dark, avoid noises, avoid bright</p> <p>10 lights, not to look at screens, spend</p> <p>11 a lot of time resting and sleeping,</p> <p>12 eat nutritious foods, stay hydrated,</p> <p>13 and overall rest. Oh, and -- well,</p> <p>14 not drink alcohol.</p> <p>15 In the longer period -- in the</p> <p>16 longer term beyond the immediate</p> <p>17 symptoms of that concussion with the</p> <p>18 postconcussive syndrome, many of those</p> <p>19 treatments stayed the same, such as</p> <p>20 avoiding loud noises, having time to</p> <p>21 rest and disconnect, sleeping, and --</p> <p>22 yeah.</p> <p>23 Q. Have you had multiple concussive</p> <p>24 experiences, multiple concussions?</p> <p>25 A. Yes.</p>

<p style="text-align: right;">Page 30</p> <p>1 K. Shiber</p> <p>2 Q. How many concussions have you</p> <p>3 had?</p> <p>4 A. About six.</p> <p>5 Q. When did you have those</p> <p>6 concussions?</p> <p>7 A. The first one was in July of</p> <p>8 2012. The following four occurred when I</p> <p>9 was in high school. I do not remember the</p> <p>10 exact dates of each one. And the sixth</p> <p>11 one occurred in November of 2016.</p> <p>12 Q. Okay.</p> <p>13 So you identified a list of</p> <p>14 symptoms that you experienced when you</p> <p>15 were diagnosed with postconcussive</p> <p>16 syndrome in 2012.</p> <p>17 I want to understand how long</p> <p>18 those symptoms have lasted or lasted and</p> <p>19 whether they were temporary symptoms or</p> <p>20 whether they were continuous symptoms,</p> <p>21 from your perspective.</p> <p>22 So when you were diagnosed with</p> <p>23 postconcussive syndrome in 2012 and you</p> <p>24 had headaches, how long did you have the</p> <p>25 headaches after that diagnosis?</p>	<p style="text-align: right;">Page 32</p> <p>1 K. Shiber</p> <p>2 being sensitive to noise; is that right?</p> <p>3 A. Yes.</p> <p>4 Q. How long did that noise</p> <p>5 sensitivity last?</p> <p>6 A. I still experience noise</p> <p>7 sensitivity.</p> <p>8 Q. And sensitivity to light, how</p> <p>9 long did that sensitivity to light last?</p> <p>10 A. I don't know exactly when it --</p> <p>11 how long it lasted. I currently believe</p> <p>12 that I have a similar sensitivity to light</p> <p>13 as anyone might.</p> <p>14 Q. You said, "I currently believe I</p> <p>15 have a similar sensitivity to light as</p> <p>16 anyone might".</p> <p>17 What do you mean by that?</p> <p>18 A. I mean I think when it's</p> <p>19 particularly bright out or there's</p> <p>20 artificial lights like a concert or a</p> <p>21 similar event, I think most people</p> <p>22 experience sensitivity to bright light in</p> <p>23 those settings. But walking down the</p> <p>24 street, they don't typically experience --</p> <p>25 except if it's very sunny, they don't</p>
<p style="text-align: right;">Page 31</p> <p>1 K. Shiber</p> <p>2 A. I don't think I can say which</p> <p>3 headaches were due to the postconcussive</p> <p>4 syndrome and which headaches may have been</p> <p>5 due to other illnesses or daily life. I</p> <p>6 still continue to have headaches.</p> <p>7 Q. What about migraines?</p> <p>8 A. Similarly, I can't attribute</p> <p>9 which are due to what cause, but I</p> <p>10 continue to have migraines.</p> <p>11 Q. Did you have migraines in high</p> <p>12 school --</p> <p>13 MS. SKIBITSKY: Strike that.</p> <p>14 Q. Did you have migraines at any</p> <p>15 point in time before the 2012 diagnosis of</p> <p>16 postconcussive syndrome?</p> <p>17 A. I can't recall if I did.</p> <p>18 Q. Do you recall whether you</p> <p>19 experienced headaches at any point in time</p> <p>20 before the 2012 postconcussive syndrome?</p> <p>21 A. I can't recall a specific</p> <p>22 headache, but I think it likely that I</p> <p>23 experienced headaches before that.</p> <p>24 Q. And you identified one of the</p> <p>25 symptoms of the postconcussive syndrome as</p>	<p style="text-align: right;">Page 33</p> <p>1 K. Shiber</p> <p>2 typically experience sensitivity to</p> <p>3 standard light, so I think that my</p> <p>4 experience is in line with what anyone</p> <p>5 might experience.</p> <p>6 Q. Understood.</p> <p>7 A. Currently.</p> <p>8 Q. So in other words, is it correct</p> <p>9 to say that any light sensitivity that you</p> <p>10 might currently experience you would not</p> <p>11 attribute to having been diagnosed with</p> <p>12 postconcussive syndrome today?</p> <p>13 MR. HELLER: Objection.</p> <p>14 THE WITNESS: I don't think I</p> <p>15 can speculate as to what I might</p> <p>16 attribute it to. I think it depends</p> <p>17 on the situation and what I was</p> <p>18 experiencing.</p> <p>19 Q. Is the light sensitivity that</p> <p>20 you experience on occasion today similar</p> <p>21 to the light sensitivity that you might</p> <p>22 have experienced before you were diagnosed</p> <p>23 with postconcussive syndrome?</p> <p>24 MR. HELLER: Objection.</p> <p>25 THE WITNESS: I don't -- I don't</p>

<p style="text-align: right;">Page 34</p> <p>1 K. Shiber</p> <p>2 recall exactly how sensitive I was to</p> <p>3 light when I was twelve years old but</p> <p>4 -- so I cannot say.</p> <p>5 Q. How old were you when you were</p> <p>6 diagnosed with postconcussive syndrome in</p> <p>7 2012?</p> <p>8 A. At that time I was thirteen.</p> <p>9 Q. You identified sleepiness as one</p> <p>10 of the symptoms of postconcussive syndrome</p> <p>11 that you experienced in 2012.</p> <p>12 How long did that sleepiness</p> <p>13 syndrome last?</p> <p>14 A. Again, I cannot say what parts</p> <p>15 of my experience today might have been</p> <p>16 caused specifically due to postconcussive</p> <p>17 syndrome. I still -- I still experience</p> <p>18 excessive daytime fatigue and sleepiness.</p> <p>19 Q. You said that you still</p> <p>20 experience excessive daytime fatigue and</p> <p>21 sleepiness.</p> <p>22 Are those experiences ones that</p> <p>23 you've had somewhat consistently since</p> <p>24 2012?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 36</p> <p>1 K. Shiber</p> <p>2 its own as just trouble focusing -- sorry,</p> <p>3 can you just clarify? Sometimes, yes, I</p> <p>4 experience trouble focusing on occasion.</p> <p>5 Q. Can you explain what you meant</p> <p>6 when you testified that you experienced</p> <p>7 trouble focusing after your concussions?</p> <p>8 What does that mean, in your experience,</p> <p>9 to have trouble focusing?</p> <p>10 A. It means that it's difficult to</p> <p>11 keep your mind on the task at hand, it's</p> <p>12 hard to retain information in your working</p> <p>13 memory and continue, you know, working on</p> <p>14 a discrete task and easily distracted and</p> <p>15 easily kind of lose your place.</p> <p>16 Q. And those feelings persisted</p> <p>17 after the November, 2016 concussion for</p> <p>18 approximately seven months after that</p> <p>19 concussion; is that correct?</p> <p>20 A. Yeah, I would say months to</p> <p>21 years. Again, I'm not exactly sure at</p> <p>22 what point I can say that when that</p> <p>23 symptoms caused by the postconcussive</p> <p>24 syndrome ended, but I still experience</p> <p>25 trouble focusing on occasion.</p>
<p style="text-align: right;">Page 35</p> <p>1 K. Shiber</p> <p>2 Q. You identified trouble focusing</p> <p>3 as a symptom of the postconcussive</p> <p>4 syndrome diagnosis in 2012.</p> <p>5 How long did that trouble</p> <p>6 focusing as a symptom last?</p> <p>7 A. I believe that -- I can't say</p> <p>8 exactly how long it lasted starting from</p> <p>9 the incident in 2012, but it did reoccur</p> <p>10 and persist as I experienced additional</p> <p>11 concussions and lasted for several months</p> <p>12 following my most recent concussion.</p> <p>13 Q. Was that most recent concussion</p> <p>14 in November, 2016?</p> <p>15 A. Yes.</p> <p>16 Q. So the trouble focusing that you</p> <p>17 experienced as a result of the November,</p> <p>18 2016 concussion lasted for a couple of</p> <p>19 months after that concussion; is that</p> <p>20 correct?</p> <p>21 A. I believe so, but I can't say</p> <p>22 exactly when it ended.</p> <p>23 Q. Do you experience trouble</p> <p>24 focusing today?</p> <p>25 A. I do not think so. Actually, on</p>	<p style="text-align: right;">Page 37</p> <p>1 K. Shiber</p> <p>2 Q. Do you think the experience that</p> <p>3 you still have on occasion of trouble</p> <p>4 focusing was caused by any concussions</p> <p>5 you've had?</p> <p>6 MR. HELLER: Objection.</p> <p>7 THE WITNESS: I'm not a doctor.</p> <p>8 I can't say what I've experienced is</p> <p>9 caused by what. I believe it may have</p> <p>10 been a trigger.</p> <p>11 Q. You identified slowness reading</p> <p>12 as a symptom of postconcussive syndrome as</p> <p>13 you were diagnosed in 2012.</p> <p>14 How long did that symptom last</p> <p>15 after the 2012 diagnosis?</p> <p>16 A. I would say similar to the</p> <p>17 previous symptom. I can't say exactly how</p> <p>18 long it lasted, several months to years,</p> <p>19 but I don't know the exact entity.</p> <p>20 Q. All of the symptoms that you</p> <p>21 identified in -- that you experienced in</p> <p>22 2012 as a result of postconcussive</p> <p>23 syndrome, did you experience all of the</p> <p>24 same symptoms that you identified after</p> <p>25 each of your subsequent concussions?</p>

<p style="text-align: right;">Page 38</p> <p>1 K. Shiber</p> <p>2 A. For the most part, yes, to</p> <p>3 different degrees, and also it depended</p> <p>4 upon the situation. For example, the</p> <p>5 concussion that occurred in 2012 occurred</p> <p>6 in July. I wasn't in school. And so, you</p> <p>7 know, being in a different environment,</p> <p>8 different symptoms, you know, were more</p> <p>9 relevant to the situation, but it was</p> <p>10 broadly the same group of symptoms each</p> <p>11 time.</p> <p>12 Q. And have you ever been</p> <p>13 prescribed any medication as a result of</p> <p>14 concussions?</p> <p>15 MR. HELLER: Objection.</p> <p>16 You can answer.</p> <p>17 THE WITNESS: Well, I can't say</p> <p>18 again like which symptoms were caused</p> <p>19 necessarily by what situation. I was</p> <p>20 not prescribed any concussion-specific</p> <p>21 medication. But at a time following</p> <p>22 each of the concussions, I took</p> <p>23 over-the-counter medications and also</p> <p>24 like prescribed stronger doses of</p> <p>25 similar medications.</p>	<p style="text-align: right;">Page 40</p> <p>1 K. Shiber</p> <p>2 Q. Ms. Shiber, you testified that</p> <p>3 you experience -- you began experiencing</p> <p>4 anxiety before Centerview; is that</p> <p>5 correct?</p> <p>6 A. Yes.</p> <p>7 Q. Did you experience anxiety while</p> <p>8 you were at employed by Centerview?</p> <p>9 A. Yes.</p> <p>10 Q. Did you experience anxiety after</p> <p>11 you were employed by Centerview?</p> <p>12 A. Yes.</p> <p>13 Q. When -- are you still</p> <p>14 experiencing anxiety after having been</p> <p>15 employed by Centerview?</p> <p>16 A. Yes.</p> <p>17 Q. Did you experience</p> <p>18 postconcussive syndrome before having been</p> <p>19 employed by Centerview?</p> <p>20 A. Yes.</p> <p>21 Q. Did you experience symptoms of</p> <p>22 postconcussive syndrome while you were</p> <p>23 employed by Centerview?</p> <p>24 A. I can't say necessarily what</p> <p>25 symptoms I experienced were caused by</p>
<p style="text-align: right;">Page 39</p> <p>1 K. Shiber</p> <p>2 Q. What would those prescribed</p> <p>3 stronger doses of similar medications have</p> <p>4 been?</p> <p>5 MR. HELLER: Objection.</p> <p>6 You can answer.</p> <p>7 THE WITNESS: I believe</p> <p>8 something like a stronger dose of</p> <p>9 Tylenol, for example, that they</p> <p>10 prescribed but, in my understanding,</p> <p>11 essentially is just a stronger version</p> <p>12 of what you can buy at the store. To</p> <p>13 my knowledge, I was not prescribed</p> <p>14 anything else. I may have been</p> <p>15 prescribed something, but I don't</p> <p>16 know.</p> <p>17 Q. When do you think that you were</p> <p>18 prescribed with that stronger dose of</p> <p>19 Tylenol? Approximately what year would</p> <p>20 that have been?</p> <p>21 A. I can't say what year that would</p> <p>22 have been. I don't know -- again, I don't</p> <p>23 remember the exact prescription. It's my</p> <p>24 understanding that that may have occurred,</p> <p>25 but I don't know exactly when.</p>	<p style="text-align: right;">Page 41</p> <p>1 K. Shiber</p> <p>2 postconcussive syndrome specifically.</p> <p>3 Q. Did you experience depression</p> <p>4 before you were employed by Centerview?</p> <p>5 A. Yes.</p> <p>6 Q. Did you experience depression</p> <p>7 while you were employed by Centerview?</p> <p>8 A. Yes.</p> <p>9 Q. Did you experience depression</p> <p>10 after you were employed by Centerview?</p> <p>11 A. Yes.</p> <p>12 Q. When did you first start</p> <p>13 experiencing depression?</p> <p>14 A. I first started experiencing</p> <p>15 depression during my freshman year of high</p> <p>16 school.</p> <p>17 Q. Did you experience symptoms of a</p> <p>18 mood disorder before your employment with</p> <p>19 Centerview?</p> <p>20 A. Yes.</p> <p>21 Q. Did you experience symptoms of a</p> <p>22 mood disorder during your employment with</p> <p>23 Centerview?</p> <p>24 A. Yes.</p> <p>25 Q. Did you experience symptoms of a</p>

<p style="text-align: right;">Page 42</p> <p>1 K. Shiber</p> <p>2 mood disorder after your employment with</p> <p>3 Centerview?</p> <p>4 A. Yes.</p> <p>5 Q. When did those symptoms of a</p> <p>6 mood disorder that you experienced after</p> <p>7 your employment at Centerview end?</p> <p>8 A. They have not ended.</p> <p>9 Q. Did you experience bipolar</p> <p>10 disorder before you were employed by</p> <p>11 Centerview?</p> <p>12 A. To my knowledge, I've never been</p> <p>13 formally diagnosed with bipolar disorder</p> <p>14 specifically.</p> <p>15 Q. At any point in time; is that</p> <p>16 correct?</p> <p>17 A. That's correct.</p> <p>18 Q. Have you been diagnosed or</p> <p>19 experienced any other cognitive,</p> <p>20 psychological, or emotional impairments</p> <p>21 that we have not already discussed?</p> <p>22 MR. HELLER: Objection.</p> <p>23 THE WITNESS: I've experienced</p> <p>24 grief, which I think is an emotional</p> <p>25 impairment, that we have not</p>	<p style="text-align: right;">Page 44</p> <p>1 K. Shiber</p> <p>2 isolation, sadness, feeling like almost</p> <p>3 like moving in slow motion. It's not an</p> <p>4 exhaustive list.</p> <p>5 Q. What was the cause of the grief</p> <p>6 that you experienced in 2020?</p> <p>7 A. Sorry.</p> <p>8 In 2020, several people that I</p> <p>9 knew died, including a close friend.</p> <p>10 Q. Do you recall what months those</p> <p>11 individuals who you knew died in 2020?</p> <p>12 A. April, 2020.</p> <p>13 Q. What were the symptoms of the</p> <p>14 grief that you experienced in April, 2020?</p> <p>15 MR. HELLER: Objection.</p> <p>16 You can answer.</p> <p>17 THE WITNESS: I think broadly</p> <p>18 similar to the experience -- the grief</p> <p>19 experience that I previously</p> <p>20 described. Specifically a feeling of</p> <p>21 shock, of surprise, anger, feelings of</p> <p>22 confusion, just not understanding,</p> <p>23 empathy.</p> <p>24 Q. Was depression one of the</p> <p>25 symptoms of that grief you experienced in</p>
<p style="text-align: right;">Page 43</p> <p>1 K. Shiber</p> <p>2 discussed.</p> <p>3 Do you mean specifically like</p> <p>4 diagnosed things or just experiences</p> <p>5 of being emotionally affected or</p> <p>6 impaired?</p> <p>7 Q. Let's do first diagnoses.</p> <p>8 A. I think that we've covered the</p> <p>9 formal diagnoses.</p> <p>10 Q. Okay.</p> <p>11 You've said that you experienced</p> <p>12 grief.</p> <p>13 When did you experience grief?</p> <p>14 A. I've experienced grief several</p> <p>15 times starting in 2015, 2020, 2021, 2022</p> <p>16 multiple times.</p> <p>17 Q. What was the cause of the grief</p> <p>18 that you experienced in 2015?</p> <p>19 A. Death of my grandfather.</p> <p>20 Q. And what were -- what was the</p> <p>21 manifestations of that grief, if any?</p> <p>22 A. Strong depressive feelings,</p> <p>23 little interest in doing things, lack of</p> <p>24 enjoyment of life, down -- negative</p> <p>25 thoughts in general, feelings of</p>	<p style="text-align: right;">Page 45</p> <p>1 K. Shiber</p> <p>2 April, 2020?</p> <p>3 A. Yes.</p> <p>4 Q. Do you still experience that</p> <p>5 grief, those feelings of grief that you</p> <p>6 experienced in April of 2020 today?</p> <p>7 A. Yes.</p> <p>8 Q. Were you experiencing those</p> <p>9 feelings of grief at the period of time</p> <p>10 when you were employed by Centerview that</p> <p>11 you experienced in April, 2020?</p> <p>12 A. Yes.</p> <p>13 Q. What was the cause of the grief</p> <p>14 you experienced in 2021?</p> <p>15 A. Similar cause.</p> <p>16 Q. And what month did that event</p> <p>17 occur?</p> <p>18 A. I don't know exactly. In 2021,</p> <p>19 I don't know exactly.</p> <p>20 Q. Do you recall the season?</p> <p>21 A. No. In 2021, it was a less of a</p> <p>22 close relationship.</p> <p>23 Q. You said, when I asked you what</p> <p>24 was the cause of the grief you experienced</p> <p>25 in 2021, you said similar situation.</p>

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<p style="text-align: right;">Page 46</p> <p>1 K. Shiber</p> <p>2 What was -- what was the cause</p> <p>3 of the grief?</p> <p>4 A. My friend's parent died.</p> <p>5 Q. Was this a friend that you were</p> <p>6 close with?</p> <p>7 A. I mean, not my best friend ever,</p> <p>8 but a friend.</p> <p>9 Q. Are you still experiencing</p> <p>10 symptoms of the grief you experienced in</p> <p>11 2021 as a result of that death?</p> <p>12 A. Not regularly.</p> <p>13 Q. How frequently are you</p> <p>14 experiencing any of the symptoms of the</p> <p>15 grief you experienced -- you began</p> <p>16 experiencing as a result of that 2021</p> <p>17 death?</p> <p>18 A. When prompted by specific</p> <p>19 situations, but specifically it's not a</p> <p>20 consistent experience.</p> <p>21 Q. What might prompt an experience</p> <p>22 -- what might prompt a manifestation of</p> <p>23 that grief that you experienced as a</p> <p>24 result of the 2021 death?</p> <p>25 A. Hearing my friend talk about how</p>	<p style="text-align: right;">Page 48</p> <p>1 K. Shiber</p> <p>2 grief you experienced when your -- the</p> <p>3 member of your college sorority passed?</p> <p>4 A. Similar to the ones I've listed</p> <p>5 previously, but additional shock and fear</p> <p>6 and anxiety surrounding the manner of her</p> <p>7 death.</p> <p>8 Q. Did you experience depression as</p> <p>9 a result of that 2022 death?</p> <p>10 A. Yes.</p> <p>11 Q. How long did that depression</p> <p>12 that you experienced as a result of the</p> <p>13 2022 death last?</p> <p>14 A. I experience depression on an</p> <p>15 ongoing basis. There are specific</p> <p>16 triggers which can intensify it for</p> <p>17 periods. That was one of them. I don't</p> <p>18 know exactly. I'm still depressed. I</p> <p>19 don't know if that's, you know, how much</p> <p>20 of that is because of her death, how much</p> <p>21 is because of something else.</p> <p>22 Q. What was the cause of your</p> <p>23 sorority sister's death?</p> <p>24 MR. HELLER: Objection.</p> <p>25 THE WITNESS: I can answer.</p>
<p style="text-align: right;">Page 47</p> <p>1 K. Shiber</p> <p>2 she doesn't have a father anymore, reading</p> <p>3 things about him, reading about similar</p> <p>4 situations of people who lost parents to</p> <p>5 COVID.</p> <p>6 Q. What was the cause of the grief</p> <p>7 you experienced in 2022?</p> <p>8 A. Two deaths.</p> <p>9 Q. Who were the individuals who</p> <p>10 died?</p> <p>11 A. One was a member of my college</p> <p>12 sorority. Another was another one of my</p> <p>13 friends in my grade at Dartmouth.</p> <p>14 Q. The member of your college</p> <p>15 sorority, when in 2022 did she die?</p> <p>16 A. I don't recall the exact date.</p> <p>17 Q. Do you recall the month?</p> <p>18 A. No.</p> <p>19 Q. Do you recall the season?</p> <p>20 A. Yeah, the spring.</p> <p>21 Q. And your other friend from</p> <p>22 Dartmouth, do you recall the month that he</p> <p>23 or she died?</p> <p>24 A. Yeah, he died in August.</p> <p>25 Q. What were the symptoms of the</p>	<p style="text-align: right;">Page 49</p> <p>1 K. Shiber</p> <p>2 It's in the news.</p> <p>3 She was -- she was shot in her</p> <p>4 home by an intruder who she knew.</p> <p>5 Q. What was the cause of your</p> <p>6 friend from Dartmouth's death?</p> <p>7 A. I don't know the exact cause.</p> <p>8 It was a physical injury sustained as part</p> <p>9 of an accident. I don't know exactly the</p> <p>10 medical cause.</p> <p>11 Q. What accident? Was it a car</p> <p>12 accident?</p> <p>13 A. It was not a car accident.</p> <p>14 I wasn't there at the time, so I</p> <p>15 don't think that my story of exactly what</p> <p>16 happened is necessarily accurate. But he</p> <p>17 was swimming in a river and was -- there</p> <p>18 were rocks involved. I don't know exactly</p> <p>19 the story.</p> <p>20 Q. Your friend who was shot by an</p> <p>21 intruder in her home, where did she live</p> <p>22 at the time?</p> <p>23 MR. HELLER: Objection.</p> <p>24 What's the relevance to where</p> <p>25 the friend who was shot lived?</p>

<p style="text-align: right;">Page 50</p> <p>1 K. Shiber</p> <p>2 MS. SKIBITSKY: Ms. Shiber</p> <p>3 testified that she experienced anxiety</p> <p>4 as a result of the manner of the way</p> <p>5 in which her friend died.</p> <p>6 MR. HELLER: And you asked about</p> <p>7 that.</p> <p>8 MS. SKIBITSKY: I'm entitled to</p> <p>9 understand the basis of Ms. Shiber's</p> <p>10 anxiety as a result of her friend's</p> <p>11 death.</p> <p>12 MR. HELLER: She never said she</p> <p>13 had anxiety because of her friend's</p> <p>14 death.</p> <p>15 MS. SKIBITSKY: I believe she did</p> <p>16 testify that she had anxiety over the</p> <p>17 manner in which her friend died.</p> <p>18 Q. Ms. Shiber --</p> <p>19 MS. SKIBITSKY: I'll strike the</p> <p>20 question, I'll strike the question.</p> <p>21 We've been going about an hour.</p> <p>22 Should we take a break?</p> <p>23 MR. HELLER: That sounds like a</p> <p>24 good idea.</p> <p>25 THE VIDEOGRAPHER: We are going</p>	<p style="text-align: right;">Page 52</p> <p>1 K. Shiber</p> <p>2 order to get a recommendation as to</p> <p>3 whether your academic accommodations at</p> <p>4 Dartmouth should be extended?</p> <p>5 A. Yes.</p> <p>6 Q. Did you start Dartmouth with</p> <p>7 academic accommodations?</p> <p>8 A. I did not have academic</p> <p>9 accommodations when I first started at</p> <p>10 Dartmouth.</p> <p>11 Q. Did you have academic</p> <p>12 accommodations when you were in high</p> <p>13 school?</p> <p>14 A. Yes.</p> <p>15 Q. Can what were those academic</p> <p>16 accommodations?</p> <p>17 A. I don't recall an exhaustive</p> <p>18 list, but they included extra time on</p> <p>19 exams and assignments.</p> <p>20 Q. And why did you obtain academic</p> <p>21 accommodations in high school?</p> <p>22 MR. HELLER: Objection.</p> <p>23 You can answer.</p> <p>24 THE WITNESS: Following my</p> <p>25 concussions and postconcussive</p>
<p style="text-align: right;">Page 51</p> <p>1 K. Shiber</p> <p>2 off the record.</p> <p>3 The time on the video monitor is</p> <p>4 11:06 a.m.</p> <p>5 (Whereupon a break was taken)</p> <p>6 THE VIDEOGRAPHER: We are now</p> <p>7 back on the record.</p> <p>8 The time on the video monitor is</p> <p>9 11:22 a.m.</p> <p>10 Q. Ms. Shiber, when you were at</p> <p>11 Dartmouth, do you recall seeing a medical</p> <p>12 provider by the name of Dr. Lichtenstein?</p> <p>13 A. Yes.</p> <p>14 Q. And why did you see Dr.</p> <p>15 Lichtenstein?</p> <p>16 A. I saw Dr. Lichtenstein for a</p> <p>17 neuropsychological evaluation.</p> <p>18 Q. Do you recall when you saw Dr.</p> <p>19 Lichtenstein?</p> <p>20 A. I believe it was 2017 and 2018.</p> <p>21 Q. Why did you see Dr. Lichtenstein</p> <p>22 for a neuropsychological evaluation?</p> <p>23 A. It was related to extending my</p> <p>24 academic accommodations at Dartmouth.</p> <p>25 Q. Did you see Dr. Lichtenstein in</p>	<p style="text-align: right;">Page 53</p> <p>1 K. Shiber</p> <p>2 syndrome and the symptoms that I was</p> <p>3 experiencing, the academic</p> <p>4 accommodations were in place to</p> <p>5 accommodate those symptoms.</p> <p>6 MS. SKIBITSKY: Can we mark</p> <p>7 Exhibit 1, please.</p> <p>8 (Whereupon, a letter dated</p> <p>9 October 28, 2022 was marked</p> <p>10 Defendant's Exhibit 1</p> <p>11 for identification.)</p> <p>12 Q. Ms. Shiber, do you have</p> <p>13 Exhibit 1 in front of you?</p> <p>14 A. Yes.</p> <p>15 Q. I'll give you a second to skim</p> <p>16 through, but these are medical records</p> <p>17 that we received from Dr. Lichtenstein at</p> <p>18 Dartmouth and that we produced to your</p> <p>19 counsel bearing Bates stamps at the bottom</p> <p>20 PROVIDERS_1 through PROVIDERS_18.</p> <p>21 Have you seen this document</p> <p>22 before, Ms. Shiber?</p> <p>23 A. Yes, I've seen what Dr.</p> <p>24 Lichtenstein provided.</p> <p>25 Q. And if you go to -- the first</p>

<p style="text-align: right;">Page 54</p> <p>1 K. Shiber</p> <p>2 page is a cover letter and it's from</p> <p>3 Dartmouth Health dated October 28, 2022</p> <p>4 and it states, "attached please find the</p> <p>5 requested medical information regarding</p> <p>6 Kathryn Shiber".</p> <p>7 Do you see that?</p> <p>8 A. Yes.</p> <p>9 Q. And then on the page with the</p> <p>10 Bates stamp at the bottom -- the Bates</p> <p>11 stamp is the number that says PROVIDERS on</p> <p>12 the bottom right. So at the bottom it's</p> <p>13 Bates stamped PROVIDERS_4.</p> <p>14 Do you see an authorization for</p> <p>15 release of health information pursuant to</p> <p>16 HIPAA form there?</p> <p>17 A. Yes.</p> <p>18 Q. Okay.</p> <p>19 And this is a medical release</p> <p>20 that you signed in order for Centerview to</p> <p>21 obtain Dr. Lichtenstein's records; is that</p> <p>22 correct?</p> <p>23 A. Yes.</p> <p>24 Q. Okay.</p> <p>25 Let's take a look at the -- Dr.</p>	<p style="text-align: right;">Page 56</p> <p>1 K. Shiber</p> <p>2 physical things I had to do, and also just</p> <p>3 verbally his own questioning and</p> <p>4 assessment.</p> <p>5 Q. Do you recall Dr. Lichtenstein</p> <p>6 telling you that he didn't believe that</p> <p>7 you were performing the test consistent to</p> <p>8 the best of your ability?</p> <p>9 A. I don't recall him saying that.</p> <p>10 Q. Do you recall Dr. Lichtenstein</p> <p>11 telling you that he wasn't sure whether he</p> <p>12 can confidently assess the results of your</p> <p>13 test because he thought that you may have</p> <p>14 been underperforming intentionally?</p> <p>15 A. I don't recall him saying that.</p> <p>16 Is that in the document</p> <p>17 somewhere?</p> <p>18 Q. Do you recall him saying that?</p> <p>19 A. I don't recall him saying.</p> <p>20 Q. Did you underperform the test in</p> <p>21 order to get an accommodation at</p> <p>22 Dartmouth?</p> <p>23 A. No.</p> <p>24 Q. You knew going into the test</p> <p>25 with Dr. Lichtenstein that if you</p>
<p style="text-align: right;">Page 55</p> <p>1 K. Shiber</p> <p>2 Lichtenstein's records.</p> <p>3 The first record that we have</p> <p>4 here is from March 28, 2017, and that's</p> <p>5 located at PROVIDERS_10.</p> <p>6 Do you see up at the top it says</p> <p>7 3/28/17 office visit?</p> <p>8 A. Yes.</p> <p>9 Q. Do you recall seeing Dr.</p> <p>10 Lichtenstein in March of 2017?</p> <p>11 A. Yes.</p> <p>12 Q. Do you recall Dr. Lichtenstein</p> <p>13 performing certain neurological exams?</p> <p>14 A. Which certain neurological</p> <p>15 exams?</p> <p>16 Q. Any neurological exams.</p> <p>17 A. Yes.</p> <p>18 Q. During that March, 2017 visit?</p> <p>19 A. Yes.</p> <p>20 Q. Can you describe those exams?</p> <p>21 A. Yeah, there were a variety of</p> <p>22 tests, they were measuring different areas</p> <p>23 of my cognitive function, and there's like</p> <p>24 verbal memory, spatial memory, similar to</p> <p>25 like an IQ test. There's also some</p>	<p style="text-align: right;">Page 57</p> <p>1 K. Shiber</p> <p>2 performed well, you would not -- he would</p> <p>3 not sign off on accommodations for</p> <p>4 Dartmouth; isn't that right?</p> <p>5 A. What do you mean by well,</p> <p>6 performed well?</p> <p>7 Q. If Dr. Lichtenstein administered</p> <p>8 neurological tests and you had no issues</p> <p>9 in responding to the tests, then Dr.</p> <p>10 Lichtenstein would determine that you did</p> <p>11 not have a need for an accommodation for</p> <p>12 Dartmouth; correct?</p> <p>13 MR. HELLER: Objection. That's</p> <p>14 speculation.</p> <p>15 You can answer if you can.</p> <p>16 THE WITNESS: I don't -- I don't</p> <p>17 know if I really understand the</p> <p>18 question.</p> <p>19 Q. Well, you testified that you saw</p> <p>20 Dr. Lichtenstein in connection with your</p> <p>21 request for accommodation, academic</p> <p>22 accommodations at Dartmouth; correct?</p> <p>23 A. Yes.</p> <p>24 Q. And so the purpose of you seeing</p> <p>25 Dr. Lichtenstein was for him to give an</p>

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<p style="text-align: right;">Page 58</p> <p>1 K. Shiber</p> <p>2 opinion as to whether you would require</p> <p>3 academic accommodations at Dartmouth;</p> <p>4 correct?</p> <p>5 MR. HELLER: Objection.</p> <p>6 You can answer, if you can.</p> <p>7 THE WITNESS: I don't think that</p> <p>8 was the full purpose of the visit in</p> <p>9 its entirety, but that was one</p> <p>10 component of the intended outcome.</p> <p>11 Q. And you wanted the outcome of</p> <p>12 the test to be that Dr. Lichtenstein</p> <p>13 determined that you needed continued</p> <p>14 academic accommodations; right?</p> <p>15 A. I wanted the outcome of the test</p> <p>16 to be that Dr. Lichtenstein determined his</p> <p>17 own opinion of what I was experiencing and</p> <p>18 made a proper recommendation as a medical</p> <p>19 provider.</p> <p>20 Q. And you intentionally</p> <p>21 manipulated the tests that Dr.</p> <p>22 Lichtenstein administered so that you</p> <p>23 would get the recommendation that you</p> <p>24 wanted from Dr. Lichtenstein; right?</p> <p>25 A. No.</p>	<p style="text-align: right;">Page 60</p> <p>1 K. Shiber</p> <p>2 ability?</p> <p>3 MR. HELLER: Same objection.</p> <p>4 THE WITNESS: I don't recall him</p> <p>5 telling me that.</p> <p>6 Q. Dr. Lichtenstein goes on to</p> <p>7 write, "therefore, there are some concerns</p> <p>8 about the validity of the current</p> <p>9 findings".</p> <p>10 Do you see that?</p> <p>11 A. Yes.</p> <p>12 Q. Do you recall Dr. Lichtenstein</p> <p>13 telling you that there were concerns about</p> <p>14 the validity of his findings?</p> <p>15 A. No, I don't recall that.</p> <p>16 Q. Do you recall having any</p> <p>17 discussions with Dr. Lichtenstein about</p> <p>18 the results of his test?</p> <p>19 A. I recall a discussion about</p> <p>20 results of testing. I don't recall if it</p> <p>21 was the tests performed on this date or</p> <p>22 another time.</p> <p>23 Q. How many tests did Dr.</p> <p>24 Lichtenstein administer --</p> <p>25 MS. SKIBITSKY: Strike that.</p>
<p style="text-align: right;">Page 59</p> <p>1 K. Shiber</p> <p>2 MR. HELLER: Objection, for a</p> <p>3 number of reasons.</p> <p>4 Q. Can we look at PROVIDERS_12.</p> <p>5 Ms. Shiber, right above the</p> <p>6 summary paragraph -- and this is from the</p> <p>7 March 28, 2017 visit -- it states,</p> <p>8 "performance validity testing results were</p> <p>9 variable, suggesting that Kate's</p> <p>10 engagement with the testing process was</p> <p>11 questionable at times".</p> <p>12 Do you see that?</p> <p>13 A. Yes.</p> <p>14 Q. Did Dr. Lichtenstein tell you</p> <p>15 that he believed that your engagement with</p> <p>16 the testing process was questionable at</p> <p>17 times?</p> <p>18 MR. HELLER: Objection. Asked</p> <p>19 and answered.</p> <p>20 You can answer again.</p> <p>21 THE WITNESS: I don't recall him</p> <p>22 doing so.</p> <p>23 Q. Do you recall him telling you</p> <p>24 that he didn't believe that you were</p> <p>25 performing the test to the best of your</p>	<p style="text-align: right;">Page 61</p> <p>1 K. Shiber</p> <p>2 Q. How many times did you see Dr.</p> <p>3 Lichtenstein?</p> <p>4 A. I don't recall the exact number.</p> <p>5 Q. Do you recall the dates, the</p> <p>6 general months and years that you would</p> <p>7 have seen him?</p> <p>8 A. 2017 into 2018.</p> <p>9 Q. Okay.</p> <p>10 Would you have seen him in 2019?</p> <p>11 MR. HELLER: Objection.</p> <p>12 THE WITNESS: I may have, but I</p> <p>13 don't recall it.</p> <p>14 Q. Okay.</p> <p>15 Under the summary section, it</p> <p>16 says, "Kate's objective test performance</p> <p>17 ranged from the very superior to extremely</p> <p>18 low range. However, there is evidence</p> <p>19 that she did not consistently perform to</p> <p>20 the best of her ability".</p> <p>21 Isn't it true that you did not</p> <p>22 consistently perform to the best of your</p> <p>23 ability on Dr. Lichtenstein's test in</p> <p>24 March, 2017?</p> <p>25 MR. HELLER: Objection.</p>

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<p style="text-align: right;">Page 62</p> <p>1 K. Shiber</p> <p>2 You can answer, if you can.</p> <p>3 THE WITNESS: I don't think I</p> <p>4 can answer that question.</p> <p>5 Q. Why can't you answer that</p> <p>6 question?</p> <p>7 A. Because I don't recall not</p> <p>8 consistently performing to the best of my</p> <p>9 ability or looking at a sentence that says</p> <p>10 there is evidence that I did so, so if</p> <p>11 you're asking me if there's evidence, I</p> <p>12 don't know.</p> <p>13 Q. Do you have any reason to doubt</p> <p>14 that what Dr. Lichtenstein wrote in his</p> <p>15 report is his accurate assessment of the</p> <p>16 situation in March of 2017?</p> <p>17 MR. HELLER: Objection.</p> <p>18 You can answer.</p> <p>19 THE WITNESS: I think it's his</p> <p>20 assessment to the best of his ability</p> <p>21 at the time.</p> <p>22 Q. And then he goes on to say,</p> <p>23 "Kate is currently successful at a very</p> <p>24 competitive college, suggesting that she</p> <p>25 is capable of stronger functioning than</p>	<p style="text-align: right;">Page 64</p> <p>1 K. Shiber</p> <p>2 You can answer it again, if you</p> <p>3 can.</p> <p>4 THE WITNESS: I don't think</p> <p>5 those two sentences are necessarily</p> <p>6 the same.</p> <p>7 Q. If we look at the paragraph in</p> <p>8 the middle of the page that starts "with</p> <p>9 regard to", the second sentence says,</p> <p>10 "however, her performance on memory tests,</p> <p>11 particularly those involving visual</p> <p>12 memory, was extremely low and likely</p> <p>13 underestimates her true memory abilities".</p> <p>14 Do you see that?</p> <p>15 A. Yes.</p> <p>16 Q. And so Dr. Lichtenstein is</p> <p>17 saying here that he thinks your</p> <p>18 performance on the memory test is not an</p> <p>19 accurate reality; is that correct?</p> <p>20 MR. HELLER: Objection to</p> <p>21 counsel's speculation as to what Dr.</p> <p>22 Lichtenstein was thinking.</p> <p>23 Answer if you can.</p> <p>24 THE WITNESS: I don't think I</p> <p>25 can say what Dr. Lichtenstein meant.</p>
<p style="text-align: right;">Page 63</p> <p>1 K. Shiber</p> <p>2 was measured during this evaluation".</p> <p>3 Do you see that?</p> <p>4 A. Yes.</p> <p>5 Q. And that's consistent with what</p> <p>6 we read before that Dr. Lichtenstein wrote</p> <p>7 there is evidence that you did not</p> <p>8 consistently perform to the best of your</p> <p>9 ability?</p> <p>10 MR. HELLER: Objection.</p> <p>11 THE WITNESS: I don't know that</p> <p>12 I would grade it consistent.</p> <p>13 Q. Dr. Lichtenstein's statement</p> <p>14 that you did not consistently perform to</p> <p>15 the best of your ability is consistent</p> <p>16 with his statement above that summary line</p> <p>17 that says, "performance validity testing</p> <p>18 results were variable, suggesting that</p> <p>19 Kate's engagement with the testing process</p> <p>20 was questionable at times"? You would</p> <p>21 agree that those two sentences are</p> <p>22 consistent; correct?</p> <p>23 MR. HELLER: Objection. That's</p> <p>24 the exact same question you just</p> <p>25 asked.</p>	<p style="text-align: right;">Page 65</p> <p>1 K. Shiber</p> <p>2 Q. You have no reason to doubt that</p> <p>3 Dr. Lichtenstein wrote his actual</p> <p>4 understanding of your test performance in</p> <p>5 this medical record; do you?</p> <p>6 MR. HELLER: Objection. That's</p> <p>7 the third time you asked this</p> <p>8 question.</p> <p>9 You can answer it again if you</p> <p>10 can.</p> <p>11 THE WITNESS: I don't think I</p> <p>12 can answer that question.</p> <p>13 Q. Is there any reason Dr.</p> <p>14 Lichtenstein would write something not</p> <p>15 truthful in his report?</p> <p>16 MR. HELLER: Objection.</p> <p>17 How could she ask about Dr.</p> <p>18 Lichtenstein's motivations?</p> <p>19 MS. SKIBITSKY: Brian, it's</p> <p>20 objection. You don't need the</p> <p>21 speaking objection.</p> <p>22 MR. HELLER: But these questions</p> <p>23 that are repetitive and you're asking</p> <p>24 her -- now you're just flat out asking</p> <p>25 her what Dr. Lichtenstein thought.</p>

<p style="text-align: right;">Page 66</p> <p>1 K. Shiber</p> <p>2 That's an inappropriate question and</p> <p>3 I'm going to direct the witness not to</p> <p>4 answer it.</p> <p>5 MS. SKIBITSKY: I'm going to</p> <p>6 object on the record to your speaking</p> <p>7 objections and coaching the witness on</p> <p>8 how to answer the questions.</p> <p>9 MR. HELLER: These questions are</p> <p>10 improper.</p> <p>11 Q. Dr. Lichtenstein goes on to</p> <p>12 write, "given these disparities among</p> <p>13 scores and the question of optimal effort,</p> <p>14 the status of Kate's cognitive status in</p> <p>15 regard to her recent concussion or the</p> <p>16 potential cumulative effects of multiple</p> <p>17 injuries cannot be adequately determined</p> <p>18 at this time".</p> <p>19 Do you see that?</p> <p>20 A. Yes.</p> <p>21 Q. And so Dr. Lichtenstein's</p> <p>22 statement that the question -- he writes</p> <p>23 that there is a question of optimal effort</p> <p>24 in your testing; correct?</p> <p>25 A. Yes, he writes that.</p>	<p style="text-align: right;">Page 68</p> <p>1 K. Shiber</p> <p>2 about your performance?</p> <p>3 A. I do recall some parts of what</p> <p>4 he has said, including having a range of</p> <p>5 results and his assessment that my</p> <p>6 becoming flustered or anxiety may have</p> <p>7 impacted my true capabilities as measured</p> <p>8 by these tests.</p> <p>9 Q. Did he ask you during those</p> <p>10 discussions whether you were performing to</p> <p>11 the best of your abilities during the</p> <p>12 test?</p> <p>13 A. I don't recall if he asked me</p> <p>14 that.</p> <p>15 Q. And the result of the March,</p> <p>16 2017 testing was that you should continue</p> <p>17 to receive certain accommodations; is that</p> <p>18 correct?</p> <p>19 A. Yes.</p> <p>20 Q. Dr. Lichtenstein wrote in the</p> <p>21 last paragraph on the page ending in 12,</p> <p>22 "while the status of Kate's concussion</p> <p>23 recovery is uncertain, she currently</p> <p>24 requires a longer amount of time to</p> <p>25 complete her work and must work harder</p>
<p style="text-align: right;">Page 67</p> <p>1 K. Shiber</p> <p>2 Q. And he goes on to say, "in</p> <p>3 discussing these results with Kate, it</p> <p>4 became evident that she may become</p> <p>5 flustered by tasks in which she cannot</p> <p>6 readily figure out a way to solve them,</p> <p>7 e.g. visual memory tests".</p> <p>8 Do you see that?</p> <p>9 A. Yes.</p> <p>10 Q. It appears from this sentence</p> <p>11 that begins with "in discussing these</p> <p>12 results with Kate", you and Dr.</p> <p>13 Lichtenstein did discuss the results of</p> <p>14 his test.</p> <p>15 Do you recall those discussions?</p> <p>16 MR. HELLER: Objection.</p> <p>17 You can answer.</p> <p>18 THE WITNESS: I do recall</p> <p>19 discussing the results of the test.</p> <p>20 Q. And what do you recall about</p> <p>21 those discussions?</p> <p>22 A. I recall Dr. Lichtenstein</p> <p>23 presenting me with the results and us</p> <p>24 discussing my performance.</p> <p>25 Q. Do you recall what you discussed</p>	<p style="text-align: right;">Page 69</p> <p>1 K. Shiber</p> <p>2 than usual to learn new information. On</p> <p>3 account of this as well as nonneurological</p> <p>4 factors that impact her self-confidence,</p> <p>5 she will continue to benefit from</p> <p>6 appropriate accommodations until the</p> <p>7 status of her recovery can be more</p> <p>8 accurately assessed".</p> <p>9 Do you see that?</p> <p>10 A. Yes.</p> <p>11 Q. Did Dr. Lichtenstein tell you</p> <p>12 that you should come back for a follow-up</p> <p>13 so he can further assess whether you would</p> <p>14 require additional or extended</p> <p>15 accommodations?</p> <p>16 A. Yes.</p> <p>17 Q. And he writes in section two</p> <p>18 here, "we recommend that Kate return to</p> <p>19 our clinic in full 2017 for a follow-up</p> <p>20 neuropsychological evaluation".</p> <p>21 Do you see that?</p> <p>22 A. Yes.</p> <p>23 Q. And he writes, "the follow-up</p> <p>24 should be useful in determining whether</p> <p>25 she will continue to require</p>

<p style="text-align: right;">Page 70</p> <p>1 K. Shiber</p> <p>2 concussion-related accommodations in the</p> <p>3 future".</p> <p>4 Do you see that?</p> <p>5 A. Yes.</p> <p>6 Q. And so you understand that in</p> <p>7 the second time you were going to see Dr.</p> <p>8 Lichtenstein, that was again to determine</p> <p>9 whether you would require continued</p> <p>10 accommodations; is that correct?</p> <p>11 A. Yes, that was part of the</p> <p>12 purpose.</p> <p>13 Q. And Dr. Lichtenstein in the</p> <p>14 third itemized note here under therapy, he</p> <p>15 writes, "given Kate's history of anxiety,</p> <p>16 we recommend that she obtain an</p> <p>17 evidence-based therapy cognitive</p> <p>18 behavioral therapy to work on skills to</p> <p>19 reduce her level of anxiety". He goes on</p> <p>20 to say, "she can obtain therapy at Dick's</p> <p>21 House. We particularly recommend that she</p> <p>22 work with Dr. Mark Hyatt, a sports</p> <p>23 psychologist, who has experience working</p> <p>24 with student athletes".</p> <p>25 Did you ever obtain</p>	<p style="text-align: right;">Page 72</p> <p>1 K. Shiber</p> <p>2 MS. SKIBITSKY: Strike that.</p> <p>3 Q. Were you taking my prescribed</p> <p>4 medications as of March 28, 2017?</p> <p>5 A. I don't believe so.</p> <p>6 Q. Dr. Lichtenstein writes in the</p> <p>7 second paragraph under background at the</p> <p>8 very bottom, "because she was always in</p> <p>9 some stage of concussion recovery, Kate</p> <p>10 usually received informal extended time</p> <p>11 accommodations on exams and large</p> <p>12 assignments throughout high school. She</p> <p>13 did not receive any accommodations on her</p> <p>14 SATs or upon entering Dartmouth College".</p> <p>15 Do you see that?</p> <p>16 A. Yes.</p> <p>17 Q. How did you obtain</p> <p>18 accommodations in high school? What was</p> <p>19 the process by which you went about</p> <p>20 obtaining those accommodations?</p> <p>21 MR. HELLER: Objection.</p> <p>22 You can answer.</p> <p>23 THE WITNESS: Following my</p> <p>24 meetings with doctors in -- at my high</p> <p>25 school, they would recommend</p>
<p style="text-align: right;">Page 71</p> <p>1 K. Shiber</p> <p>2 evidence-based therapy while at Dartmouth?</p> <p>3 A. Yes.</p> <p>4 Q. Who did you obtain</p> <p>5 evidence-based therapy from?</p> <p>6 A. I spoke to multiple therapists</p> <p>7 through Dick's House who were certified in</p> <p>8 evidence-based therapy.</p> <p>9 Q. Do you recall their names?</p> <p>10 A. I believe one was Todd Lindsley.</p> <p>11 The other one I believe her first name was</p> <p>12 Sarah, but I do not recall her full name.</p> <p>13 There may have been others that I don't</p> <p>14 recall the names of.</p> <p>15 Q. Can we look at page ten of the</p> <p>16 medical records.</p> <p>17 Dr. Lichtenstein notes under the</p> <p>18 background section at the end of the first</p> <p>19 paragraph, he writes, "Kate does not</p> <p>20 currently take any medications".</p> <p>21 Was that true as of March, 2017?</p> <p>22 A. Can you clarify what medications</p> <p>23 and time period you're referring to?</p> <p>24 Q. As of March 28, 2017, were you</p> <p>25 taking any over-the-counter --</p>	<p style="text-align: right;">Page 73</p> <p>1 K. Shiber</p> <p>2 accommodations. I don't know the</p> <p>3 process with -- on the school side,</p> <p>4 but they were in communication with</p> <p>5 someone from the school.</p> <p>6 Q. And why did you -- did you seek</p> <p>7 to receive accommodations on the SATs?</p> <p>8 A. I don't believe so.</p> <p>9 Q. Did you not feel that you needed</p> <p>10 accommodations to sit for the SATs?</p> <p>11 A. At the time that I took the</p> <p>12 SATs, I did not feel that I needed</p> <p>13 accommodations.</p> <p>14 Q. Was it the case that only during</p> <p>15 certain periods of high school you</p> <p>16 required accommodations, or was it</p> <p>17 throughout the entire high school</p> <p>18 experience that you required</p> <p>19 accommodations?</p> <p>20 A. It was during certain periods.</p> <p>21 It was not broadly applied to my entire</p> <p>22 high school experience.</p> <p>23 Q. What were those periods -- what</p> <p>24 was the basis of those specific periods</p> <p>25 where you were obtaining academic</p>

<p style="text-align: right;">Page 74</p> <p>1 K. Shiber</p> <p>2 accommodations?</p> <p>3 A. It was following -- for a period</p> <p>4 of time following the concussion, each</p> <p>5 concussion.</p> <p>6 Q. And so you didn't require any</p> <p>7 accommodations at the time that you sat</p> <p>8 for the SATs; is that right?</p> <p>9 MR. HELLER: Objection to form.</p> <p>10 THE WITNESS: Can you define</p> <p>11 "require"?</p> <p>12 Q. Sure.</p> <p>13 When you were preparing to take</p> <p>14 the SATs, did you have the thought that I</p> <p>15 would really benefit from an accommodation</p> <p>16 of the type that I've had at certain</p> <p>17 points in my experience at high school?</p> <p>18 A. I don't recall exactly what I</p> <p>19 thought at the time. I can't say what I</p> <p>20 thought at the time.</p> <p>21 Q. Did you talk to anyone about</p> <p>22 whether you might be able to receive</p> <p>23 accommodations for taking the SATs?</p> <p>24 A. I don't believe so.</p> <p>25 Q. Were you happy with your score</p>	<p style="text-align: right;">Page 76</p> <p>1 K. Shiber</p> <p>2 Q. Do you recall what tests they</p> <p>3 performed in diagnosing that concussion?</p> <p>4 A. No, I don't recall.</p> <p>5 Q. Do you recall if they did an</p> <p>6 MRI?</p> <p>7 A. Following that concussion, they</p> <p>8 did not do an MRI.</p> <p>9 Q. And Dr. Lichtenstein notes here</p> <p>10 in the next paragraph down that you were</p> <p>11 seen by a doctor and athletic trainer over</p> <p>12 the following two days after this event</p> <p>13 when you bumped your head. Both diagnosed</p> <p>14 you with concussion.</p> <p>15 Do you see that?</p> <p>16 A. Yes.</p> <p>17 Q. Do you recall the name of the</p> <p>18 doctor that diagnosed you with a</p> <p>19 concussion?</p> <p>20 A. No.</p> <p>21 Q. Do you know whether Dr.</p> <p>22 Lichtenstein had medical records</p> <p>23 reflecting that diagnosis?</p> <p>24 A. No.</p> <p>25 Q. Do you recall the name of the</p>
<p style="text-align: right;">Page 75</p> <p>1 K. Shiber</p> <p>2 on the SATs?</p> <p>3 A. Yes.</p> <p>4 Q. And Dr. Lichtenstein notes that</p> <p>5 you did not receive any accommodations</p> <p>6 upon entering Dartmouth College; is that</p> <p>7 correct?</p> <p>8 A. Yes.</p> <p>9 Q. Did you not need accommodations</p> <p>10 upon entering Dartmouth College?</p> <p>11 MR. HELLER: Objection.</p> <p>12 THE WITNESS: I don't think I</p> <p>13 can say what I might have needed.</p> <p>14 Q. At what point at Dartmouth did</p> <p>15 you seek academic accommodations?</p> <p>16 A. Following my concussion in</p> <p>17 November of 2016.</p> <p>18 Q. And how did you get that</p> <p>19 concussion in November of 2016?</p> <p>20 A. I hit my head on a shelf.</p> <p>21 Q. Who diagnosed you with</p> <p>22 concussions -- with a concussion as of</p> <p>23 that November, 2016 date?</p> <p>24 A. The athletic trainer as well as</p> <p>25 a doctor.</p>	<p style="text-align: right;">Page 77</p> <p>1 K. Shiber</p> <p>2 athletic trainer who diagnosed you with a</p> <p>3 concussion?</p> <p>4 A. No.</p> <p>5 Q. And do you know whether Dr.</p> <p>6 Lichtenstein had records reflecting that</p> <p>7 athletic trainer's diagnosis?</p> <p>8 A. I don't know what he had.</p> <p>9 Q. And as a result of that -- well,</p> <p>10 do you remember that that event took place</p> <p>11 just about a week prior to the finals week</p> <p>12 at Dartmouth?</p> <p>13 A. Yes.</p> <p>14 Q. And Dr. Lichtenstein notes "the</p> <p>15 concussion occurred just prior to finals</p> <p>16 week, so she was not required to attend</p> <p>17 classes".</p> <p>18 Do you recall that you were not</p> <p>19 required to attend classes after that</p> <p>20 11/16 event?</p> <p>21 A. I wouldn't have recalled that</p> <p>22 independently.</p> <p>23 Q. Sitting here today, do you</p> <p>24 remember that, after you leaned back --</p> <p>25 I'm reading from the medical record here</p>

20 (Pages 74 - 77)

<p style="text-align: right;">Page 78</p> <p>1 K. Shiber</p> <p>2 where it says that you reportedly leaned</p> <p>3 back aggressively against the headboard of</p> <p>4 a bed while sitting in her friend's room.</p> <p>5 So do you recall after that</p> <p>6 event asking Dartmouth that you not attend</p> <p>7 classes the following week or in the days</p> <p>8 that followed?</p> <p>9 A. No, I don't recall asking that.</p> <p>10 Q. Do you know how it came to be</p> <p>11 that you were not attending classes just</p> <p>12 prior to finals week?</p> <p>13 MR. HELLER: Objection.</p> <p>14 You can answer.</p> <p>15 THE WITNESS: I don't know how</p> <p>16 it came to be that I was not attending</p> <p>17 classes during that week.</p> <p>18 Q. And you testified earlier that</p> <p>19 the symptoms from the November, 2016</p> <p>20 concussion lasted for approximately</p> <p>21 several months after that concussion; is</p> <p>22 that correct?</p> <p>23 A. I believe that's what I said</p> <p>24 earlier.</p> <p>25 Q. And your accommodations</p>	<p style="text-align: right;">Page 80</p> <p>1 K. Shiber</p> <p>2 impact as mentioned my ability to focus,</p> <p>3 concentrate, remember, and cause me to --</p> <p>4 cause me to take more time on assignments</p> <p>5 and things of that nature, so I sought</p> <p>6 accommodations to help accommodate those</p> <p>7 symptoms so that my performance would</p> <p>8 reflect my abilities.</p> <p>9 Q. What is the disability from</p> <p>10 which you suffer the symptoms that cause</p> <p>11 the need for accommodations?</p> <p>12 MR. HELLER: Objection.</p> <p>13 THE WITNESS: I can't determine</p> <p>14 what -- what disability caused each</p> <p>15 symptom, whether it was anxiety due to</p> <p>16 having anxiety disorder or anxiety due</p> <p>17 to postconcussive syndrome, et cetera,</p> <p>18 for those other symptoms.</p> <p>19 Q. If we go to the next paragraph,</p> <p>20 Dr. Lichtenstein writes in the middle of</p> <p>21 the paragraph, "although most of her</p> <p>22 classes do not require her to take exams,</p> <p>23 she has been receiving double time on her</p> <p>24 exams when needed and uses the full amount</p> <p>25 of time allotted".</p>
<p style="text-align: right;">Page 79</p> <p>1 K. Shiber</p> <p>2 throughout Dartmouth lasted throughout</p> <p>3 your entire tenure at Dartmouth; correct?</p> <p>4 A. Yes.</p> <p>5 Q. Why did you need accommodations</p> <p>6 after -- years after the November, 2016</p> <p>7 concussion if your symptoms of that</p> <p>8 concussion ceased several months after the</p> <p>9 concussion itself?</p> <p>10 MR. HELLER: Objection.</p> <p>11 You can answer.</p> <p>12 THE WITNESS: Like I mentioned,</p> <p>13 I can't say which symptoms are due to</p> <p>14 this specific event or due to other</p> <p>15 conditions in my life.</p> <p>16 Q. Do you know why you were needing</p> <p>17 accommodations throughout the entirety of</p> <p>18 Dartmouth?</p> <p>19 MS. SKIBITSKY: Let me strike the</p> <p>20 question.</p> <p>21 Q. What -- what was the reason you</p> <p>22 sought accommodations while at Dartmouth?</p> <p>23 A. I sought accommodations at</p> <p>24 Dartmouth because I suffer from symptoms</p> <p>25 related to disability which negatively</p>	<p style="text-align: right;">Page 81</p> <p>1 K. Shiber</p> <p>2 Do you see that?</p> <p>3 A. Yes.</p> <p>4 Q. "At the present time Kate</p> <p>5 continues to have occasional headaches and</p> <p>6 sensitivity to prolonged loud noises".</p> <p>7 Do you see that?</p> <p>8 A. Yes.</p> <p>9 Q. "According to Kate, her doctors</p> <p>10 have expressed uncertainty as to whether</p> <p>11 she will continue to require academic</p> <p>12 accommodations in the future".</p> <p>13 Do you see that?</p> <p>14 A. Yes.</p> <p>15 Q. What doctors expressed this</p> <p>16 uncertainty as to whether you would</p> <p>17 continue to require academic</p> <p>18 accommodations?</p> <p>19 MR. HELLER: Objection.</p> <p>20 THE WITNESS: I don't recall</p> <p>21 which doctors.</p> <p>22 Q. Do you recall having that</p> <p>23 conversation with anyone about whether you</p> <p>24 would be able to continue academic</p> <p>25 accommodations?</p>

<p style="text-align: right;">Page 82</p> <p>1 K. Shiber</p> <p>2 A. No, I don't recall any</p> <p>3 conversations like that.</p> <p>4 Q. Do you recall that conversation</p> <p>5 with Dr. Lichtenstein?</p> <p>6 A. Could you clarify which</p> <p>7 conversation do I recall with Dr.</p> <p>8 Lichtenstein?</p> <p>9 Q. Do you recall a conversation</p> <p>10 with Dr. Lichtenstein as to whether you</p> <p>11 might continue to require academic</p> <p>12 accommodations in the future?</p> <p>13 A. Yes, that was part of -- yes.</p> <p>14 Q. And then the next time you saw</p> <p>15 Dr. Lichtenstein was January, 2018.</p> <p>16 Do you recall that?</p> <p>17 A. Yes.</p> <p>18 Q. Dartmouth has a winter term, is</p> <p>19 that right, a winter break period?</p> <p>20 A. Yes.</p> <p>21 Q. What are the months of that?</p> <p>22 A. The winter break is from just</p> <p>23 before Thanksgiving until just after New</p> <p>24 Year's.</p> <p>25 Q. Is there a reason you didn't</p>	<p style="text-align: right;">Page 84</p> <p>1 K. Shiber</p> <p>2 And at this January, 2018 visit,</p> <p>3 Dr. Lichtenstein performed another series</p> <p>4 of tests; is that right?</p> <p>5 A. Yes.</p> <p>6 Q. And Dr. Lichtenstein opined that</p> <p>7 there was evidence again that you did not</p> <p>8 consistently perform to the best of your</p> <p>9 ability, rendering the results invalid;</p> <p>10 isn't that right?</p> <p>11 MR. HELLER: Objection.</p> <p>12 THE WITNESS: I don't recall</p> <p>13 that.</p> <p>14 Q. If we look under the summary and</p> <p>15 recommendations section on page seven, it</p> <p>16 says, "Kate's objective test performance</p> <p>17 ranged dramatically from impaired to very</p> <p>18 superior. However, there is evidence that</p> <p>19 she did not consistently perform to the</p> <p>20 best of her ability, rendering the results</p> <p>21 invalid and interpretation of poor</p> <p>22 performance undetermined".</p> <p>23 Do you see that?</p> <p>24 A. Yes.</p> <p>25 Q. And isn't it true that you were</p>
<p style="text-align: right;">Page 83</p> <p>1 K. Shiber</p> <p>2 return to Dr. Lichtenstein in the fall of</p> <p>3 2017 for a test as he had recommended?</p> <p>4 MR. HELLER: Do you mean fall of</p> <p>5 2018? I'm sorry.</p> <p>6 MS. SKIBITSKY: Fall of 2017.</p> <p>7 THE WITNESS: I believe it was</p> <p>8 due to scheduling, but I don't recall</p> <p>9 the exact reason.</p> <p>10 Q. And so the next time that you</p> <p>11 saw Dr. Lichtenstein was January 31, 2018;</p> <p>12 is that right? If we're looking at this</p> <p>13 provider record, page seven, the top note</p> <p>14 says January 31, 2018.</p> <p>15 A. Yes.</p> <p>16 Q. At that point had you already</p> <p>17 started classes again at Dartmouth?</p> <p>18 A. Yes.</p> <p>19 Q. Had you already established your</p> <p>20 accommodations for that semester at</p> <p>21 Dartmouth?</p> <p>22 A. I believe it was a continuation</p> <p>23 of the existing accommodations but it</p> <p>24 wasn't new ones.</p> <p>25 Q. Okay.</p>	<p style="text-align: right;">Page 85</p> <p>1 K. Shiber</p> <p>2 not consistently performing to the best of</p> <p>3 your ability on these exams in March of</p> <p>4 2018? Sorry, in January of 2018?</p> <p>5 MR. HELLER: Objection.</p> <p>6 THE WITNESS: I don't think</p> <p>7 that's true.</p> <p>8 Q. You don't recall underperforming</p> <p>9 intentionally during the January, 2018</p> <p>10 testing by Dr. Lichtenstein?</p> <p>11 MR. HELLER: Objection.</p> <p>12 THE WITNESS: No, I did not</p> <p>13 underperform intentionally.</p> <p>14 Q. And do you recall that Dr.</p> <p>15 Lichtenstein believed that you were</p> <p>16 capable of stronger functioning than the</p> <p>17 functioning you exhibited during his</p> <p>18 exams?</p> <p>19 MR. HELLER: Objection.</p> <p>20 THE WITNESS: I do recall that.</p> <p>21 Q. And what did he say to you about</p> <p>22 that, the fact that you were capable of</p> <p>23 better performance than what you performed</p> <p>24 during his exams?</p> <p>25 A. What I recall from that</p>

22 (Pages 82 - 85)

<p style="text-align: right;">Page 86</p> <p>1 K. Shiber</p> <p>2 discussion was that any lack of</p> <p>3 demonstration of my performance abilities</p> <p>4 was due to -- he determined to be due to</p> <p>5 my anxiety and emotions interfering.</p> <p>6 Q. And you told Dr. Lichtenstein</p> <p>7 that you were concerned about losing your</p> <p>8 accommodations; isn't that right?</p> <p>9 A. I don't recall what I told him.</p> <p>10 Q. One of the accommodations that</p> <p>11 you wanted was sporadic absences; is that</p> <p>12 right?</p> <p>13 A. One of the accommodations that I</p> <p>14 had had and was looking to be extended was</p> <p>15 sporadic absences.</p> <p>16 Q. And you recall that Dr. Hu told</p> <p>17 you that he doesn't generally support an</p> <p>18 accommodation of sporadic absences?</p> <p>19 A. I don't recall that, but I have</p> <p>20 seen that in the documents, his note.</p> <p>21 Q. Did you have discussions with</p> <p>22 Dr. Hu about the request for the</p> <p>23 accommodation of sporadic absences?</p> <p>24 A. I don't recall any specific</p> <p>25 discussions about them.</p>	<p style="text-align: right;">Page 88</p> <p>1 K. Shiber</p> <p>2 at Dick's House. However, Kate has not</p> <p>3 followed up on seeking psychotherapy</p> <p>4 services".</p> <p>5 Do you see that?</p> <p>6 A. Yes.</p> <p>7 Q. It's true that you did not</p> <p>8 follow up with seeking psychotherapy</p> <p>9 services in January, 2018 outside of</p> <p>10 Dick's House; correct?</p> <p>11 A. I don't recall if I had followed</p> <p>12 up on seeking psychotherapy services at</p> <p>13 that time.</p> <p>14 Q. At any time when you were at</p> <p>15 Dartmouth, did you seek psychotherapy</p> <p>16 services outside of Dick's House?</p> <p>17 A. Yes.</p> <p>18 Q. And who did you seek those</p> <p>19 services from?</p> <p>20 A. I contacted providers in the</p> <p>21 area, including Hanover Psychiatry. I</p> <p>22 don't recall any other specific providers.</p> <p>23 Q. Did you actually meet with any</p> <p>24 of those providers who you contacted?</p> <p>25 A. I don't recall.</p>
<p style="text-align: right;">Page 87</p> <p>1 K. Shiber</p> <p>2 Q. And in January of 2018, Dr.</p> <p>3 Lichtenstein notes that -- this is the</p> <p>4 very bottom of page seven -- that "Kate</p> <p>5 revealed a significant amount of anxiety</p> <p>6 that has been interfering with involvement</p> <p>7 in daily activities, including a lack of</p> <p>8 interest engaging on social activities,</p> <p>9 withdrawal, and isolation".</p> <p>10 Do you see that?</p> <p>11 A. Yes.</p> <p>12 Q. So you were experiencing</p> <p>13 withdrawal and isolation in January, 2018?</p> <p>14 A. Yes.</p> <p>15 Q. Dr. Lichtenstein again says in</p> <p>16 his January, 2018 report -- this is on</p> <p>17 PROVIDERS_6 -- in the middle of the page</p> <p>18 there's a paragraph that starts "Kate</p> <p>19 reported significant concerns".</p> <p>20 A. Yes.</p> <p>21 Q. It says, "she recently received</p> <p>22 a diagnostic evaluation at Dick's House.</p> <p>23 Kate stated that it was recommended that</p> <p>24 she work with a provider in the community</p> <p>25 rather than with mental health providers</p>	<p style="text-align: right;">Page 89</p> <p>1 K. Shiber</p> <p>2 Q. And you testified that you met</p> <p>3 with two individuals at Dartmouth who you</p> <p>4 said had -- were trained in evidence-based</p> <p>5 therapy; is that right?</p> <p>6 A. Yes, I said that.</p> <p>7 Q. And that was Todd Lindsley and</p> <p>8 was that Sarah Chung?</p> <p>9 A. Probably.</p> <p>10 Q. How do you know that they were</p> <p>11 trained in evidence-based therapy?</p> <p>12 MR. HELLER: Objection.</p> <p>13 THE WITNESS: I don't know</p> <p>14 specifically. It was my understanding</p> <p>15 that, since I was recommended to seek</p> <p>16 evidence-based therapy and recommended</p> <p>17 to see them, that they would have been</p> <p>18 trained in it, but I don't know their</p> <p>19 exact qualifications.</p> <p>20 Q. And you only saw each of them</p> <p>21 one time; is that right?</p> <p>22 A. I believe so.</p> <p>23 Q. You've testified that you</p> <p>24 experienced anxiety while at Dartmouth.</p> <p>25 Can you tell me the symptoms of</p>

23 (Pages 86 - 89)

<p style="text-align: right;">Page 90</p> <p>1 K. Shiber</p> <p>2 anxiety you experienced while at</p> <p>3 Dartmouth?</p> <p>4 MR. HELLER: Objection.</p> <p>5 You can answer.</p> <p>6 THE WITNESS: I experienced</p> <p>7 racing thoughts, ruminating thoughts,</p> <p>8 panic attacks, avoidance of social</p> <p>9 situations, isolation, withdrawal,</p> <p>10 difficulty focusing, long-term</p> <p>11 planning, compulsive behaviors. There</p> <p>12 may have been other symptoms that I'm</p> <p>13 not listing now.</p> <p>14 Q. Did you experience depression</p> <p>15 while at Dartmouth?</p> <p>16 A. Yes.</p> <p>17 Q. Were you treated for anxiety at</p> <p>18 Dartmouth?</p> <p>19 A. Can you define "treatment"?</p> <p>20 Q. Did you see any medical</p> <p>21 providers to help treat anxiety while at</p> <p>22 Dartmouth?</p> <p>23 A. Yes.</p> <p>24 Q. Who did you see?</p> <p>25 A. I saw Dr. Da-shih Hu, I saw</p>	<p style="text-align: right;">Page 92</p> <p>1 K. Shiber</p> <p>2 the anxiety.</p> <p>3 Q. And did Dr. Hu prescribe you any</p> <p>4 medications to deal with anxiety?</p> <p>5 A. I don't know that Dr. Hu</p> <p>6 specifically was the one to prescribe them</p> <p>7 for an anxiety-specific medication.</p> <p>8 Q. Were you prescribed anxiety or</p> <p>9 mood-related medications while at</p> <p>10 Dartmouth?</p> <p>11 A. Yes.</p> <p>12 Q. And what medications were those?</p> <p>13 A. They were fluoxetine and</p> <p>14 lamotrigine.</p> <p>15 Q. When were you prescribed those?</p> <p>16 A. I was prescribed fluoxetine</p> <p>17 around winter of 2018. I don't recall</p> <p>18 exactly when I was prescribed the</p> <p>19 lamotrigine.</p> <p>20 Q. Did Dr. Hu give you any other</p> <p>21 plan or medication in order to treat</p> <p>22 either anxiety or mood disorder?</p> <p>23 A. Yes, he made a variety of</p> <p>24 recommendations beyond the medication.</p> <p>25 Q. What were those recommendations?</p>
<p style="text-align: right;">Page 91</p> <p>1 K. Shiber</p> <p>2 Marylee Verdi, I saw several other nurses</p> <p>3 I don't recall the names of, I saw Dr.</p> <p>4 Lichtenstein, I saw the therapist you</p> <p>5 previously named. Again, there may be</p> <p>6 other providers that I'm not including</p> <p>7 now.</p> <p>8 Q. You didn't see Dr. Lichtenstein</p> <p>9 to treat anxiety; did you?</p> <p>10 MR. HELLER: Objection.</p> <p>11 THE WITNESS: Can you define</p> <p>12 "treat", please?</p> <p>13 Q. When you saw Dr. Lichtenstein,</p> <p>14 you didn't see him with the intention of</p> <p>15 getting medication prescribed because of</p> <p>16 anxiety or coping mechanisms to deal with</p> <p>17 anxiety; did you?</p> <p>18 A. I would disagree with that. I</p> <p>19 think that he evaluated -- he observed and</p> <p>20 -- he observed my anxiety and part of</p> <p>21 coping with the symptoms -- the</p> <p>22 accommodations were involved in coping</p> <p>23 with the symptoms, and he also recommended</p> <p>24 other treatments, like therapy and the</p> <p>25 others that he's listed here for treating</p>	<p style="text-align: right;">Page 93</p> <p>1 K. Shiber</p> <p>2 A. They were seek therapy, maintain</p> <p>3 a consistent sleep schedule and sleep</p> <p>4 hygiene, and other lifestyle factors that</p> <p>5 are known to help with those conditions.</p> <p>6 Q. What were those other lifestyle</p> <p>7 factors?</p> <p>8 A. I don't recall exactly what Dr.</p> <p>9 Hu said at the time.</p> <p>10 Q. Did Marylee Verdi -- is it</p> <p>11 Verity or Verdi?</p> <p>12 A. I don't really know.</p> <p>13 Q. Did Nurse Marylee prescribe any</p> <p>14 medications?</p> <p>15 A. Yes, I believe so.</p> <p>16 Q. Do you recall what she</p> <p>17 prescribed?</p> <p>18 A. I believe she initially</p> <p>19 prescribed the fluoxetine. Like I</p> <p>20 mentioned, it may have been Dr. Hu, it may</p> <p>21 have been her.</p> <p>22 Q. And did Nurse Marylee prescribe</p> <p>23 any mechanisms or recommendations for</p> <p>24 dealing with anxiety or mood disorder?</p> <p>25 A. Yes, she recommended additional</p>

24 (Pages 90 - 93)

<p style="text-align: right;">Page 94</p> <p>1 K. Shiber</p> <p>2 mechanisms.</p> <p>3 Q. And what did she recommend?</p> <p>4 A. There was -- there were many, so</p> <p>5 this may not be exhaustive, but she</p> <p>6 recommended maintaining a consistent sleep</p> <p>7 schedule, getting a sufficient amount of</p> <p>8 sleep every night, she recommended eating</p> <p>9 nutritiously, pursuing regular exercise,</p> <p>10 spending time socializing in the</p> <p>11 community, therapy. There may be</p> <p>12 additional things I'm not recalling now.</p> <p>13 Q. Did you receive therapy while at</p> <p>14 Dartmouth?</p> <p>15 A. Could you please define</p> <p>16 "therapy"?</p> <p>17 Q. Well, you said that Nurse</p> <p>18 Marylee recommended therapy, so I'm</p> <p>19 wondering if you took that advice and got</p> <p>20 therapy, however it was intended by Nurse</p> <p>21 Marylee.</p> <p>22 A. I met with several therapists</p> <p>23 following that recommendation. I also</p> <p>24 feel that I received a form of talk</p> <p>25 therapy through my ongoing discussions</p>	<p style="text-align: right;">Page 96</p> <p>1 K. Shiber</p> <p>2 you Exhibit 2 which is titled Plaintiff's</p> <p>3 Response to Defendant's Second Set of</p> <p>4 Interrogatories.</p> <p>5 Do you see that?</p> <p>6 A. Yes.</p> <p>7 Q. Do you recognize this document</p> <p>8 as your responses to Centerview's</p> <p>9 interrogatories, second set?</p> <p>10 A. Yes.</p> <p>11 Q. And you verified the accuracy of</p> <p>12 this document; is that correct?</p> <p>13 A. Yes.</p> <p>14 Q. And this interrogatory number</p> <p>15 four, if you turn to the first page, it</p> <p>16 requests the identity of all persons</p> <p>17 and/or entities who provided you with any</p> <p>18 health or medical care or consultation</p> <p>19 from September 1, 2018 to present.</p> <p>20 Do you see that?</p> <p>21 A. Yes.</p> <p>22 Q. And then you listed a number of</p> <p>23 individuals on pages two and three of the</p> <p>24 interrogatory response, but you didn't</p> <p>25 list these therapists Sarah Chung or Todd</p>
<p style="text-align: right;">Page 95</p> <p>1 K. Shiber</p> <p>2 with Verdi.</p> <p>3 Q. Who were the therapists that you</p> <p>4 met with following that recommendation?</p> <p>5 A. I don't recall the exact order</p> <p>6 of the therapists in the recommendation,</p> <p>7 but it included Todd Lindsley and Sarah</p> <p>8 Chung and, as I mentioned, Verdi.</p> <p>9 Q. Do you know why you haven't</p> <p>10 disclosed Todd Lindsley or Sarah Chung in</p> <p>11 connection with this litigation?</p> <p>12 MR. HELLER: Objection.</p> <p>13 I think we gave the name of the</p> <p>14 facility and gave you an authorization</p> <p>15 for the facility.</p> <p>16 MS. SKIBITSKY: Can we mark as</p> <p>17 Exhibit 2 Plaintiff's response to</p> <p>18 Defendant's second set of</p> <p>19 interrogatories.</p> <p>20 (Whereupon, a document entitled</p> <p>21 Plaintiff's Response to Defendant's</p> <p>22 Second Set of Interrogatories was</p> <p>23 marked Defendant's Exhibit 2</p> <p>24 for identification.)</p> <p>25 Q. Ms. Shiber, you have in front of</p>	<p style="text-align: right;">Page 97</p> <p>1 K. Shiber</p> <p>2 Lindsley; correct?</p> <p>3 A. Correct, they're not listed.</p> <p>4 Q. Is there a reason why you didn't</p> <p>5 list them?</p> <p>6 A. My understanding is they're</p> <p>7 included in all of Dartmouth College</p> <p>8 Health Service as an entity.</p> <p>9 Q. But you listed Marylee Verdi</p> <p>10 specifically and Da-shih Hu but you didn't</p> <p>11 list these two other individuals; correct?</p> <p>12 A. Yes.</p> <p>13 Q. Can you tell me about your</p> <p>14 relationship with Nurse Verdi?</p> <p>15 A. Yes, I can tell you about it.</p> <p>16 Q. What was your relationship like</p> <p>17 with Nurse Verdi?</p> <p>18 A. She was -- she was a</p> <p>19 nurse-practitioner who I saw regularly.</p> <p>20 Q. How regularly did you see her?</p> <p>21 A. There wasn't an exact cadence,</p> <p>22 but I saw her over a period of several</p> <p>23 years.</p> <p>24 Q. And you texted with her;</p> <p>25 correct?</p>

25 (Pages 94 - 97)

<p style="text-align: right;">Page 98</p> <p>1 K. Shiber</p> <p>2 A. Yes.</p> <p>3 Q. How often did you text with her?</p> <p>4 A. Not often.</p> <p>5 Q. Did you text with her after you</p> <p>6 left Dartmouth?</p> <p>7 A. Yes.</p> <p>8 Q. Do you recall when you texted</p> <p>9 with her after you left Dartmouth?</p> <p>10 A. I recall that I texted with her</p> <p>11 in July of 2020. I don't recall any other</p> <p>12 times when I texted with her.</p> <p>13 Q. Why did you text with her in</p> <p>14 July of 2020?</p> <p>15 A. I was experiencing a medical --</p> <p>16 what I thought might be a medical issue</p> <p>17 and wanted her opinion.</p> <p>18 Q. What was the medical issue you</p> <p>19 were experiencing in July of 2020?</p> <p>20 A. I was having elevated heart rate</p> <p>21 and a sense of light-headedness over a</p> <p>22 period of a few hours.</p> <p>23 Q. Do you recall what was exchanged</p> <p>24 in those text messages back and forth in</p> <p>25 July of 2020 between you and Nurse Verdi?</p>	<p style="text-align: right;">Page 100</p> <p>1 K. Shiber</p> <p>2 A. Yes.</p> <p>3 Q. Who did you see?</p> <p>4 A. Outer Cape Health Services.</p> <p>5 Q. And what did Outer Cape Health</p> <p>6 Services tell you you were experiencing?</p> <p>7 A. They told me it was likely that</p> <p>8 I had experienced a supraventricular</p> <p>9 tachycardia.</p> <p>10 Q. Do you know what that is?</p> <p>11 A. My understanding is that it's</p> <p>12 when your -- there's like an issue with</p> <p>13 the electrical system of your heart and it</p> <p>14 briefly misfires and then tries to get</p> <p>15 back on a steady heartbeat and it can</p> <p>16 cause the elevated heart rate and chest</p> <p>17 pain that I was experiencing.</p> <p>18 Q. And did Outer Cape Health</p> <p>19 Services prescribe you with any medication</p> <p>20 or treatment plan to deal with that</p> <p>21 situation?</p> <p>22 A. Yes, they recommended a</p> <p>23 treatment plan.</p> <p>24 Q. What was the treatment plan?</p> <p>25 A. The treatment plan was to rest,</p>
<p style="text-align: right;">Page 99</p> <p>1 K. Shiber</p> <p>2 A. No, I don't recall the</p> <p>3 specifics.</p> <p>4 Q. Do you recall what Nurse Verdi</p> <p>5 told you in July of 2020?</p> <p>6 A. In the text messages?</p> <p>7 Q. Yes.</p> <p>8 A. No.</p> <p>9 Q. Did you speak with her on the</p> <p>10 phone in connection with that discussion</p> <p>11 about the symptoms you were experiencing</p> <p>12 in July of 2020?</p> <p>13 A. Yes.</p> <p>14 Q. And what was -- can you tell me</p> <p>15 everything that you recall about that</p> <p>16 conversation you had with her in July of</p> <p>17 2020?</p> <p>18 A. I recall that she asked about</p> <p>19 how I was -- from my recollection, we</p> <p>20 spoke the day following when I was</p> <p>21 experiencing that incident. She asked how</p> <p>22 I was feeling and she recommended that I</p> <p>23 see a doctor, medical provider</p> <p>24 immediately.</p> <p>25 Q. And did you?</p>	<p style="text-align: right;">Page 101</p> <p>1 K. Shiber</p> <p>2 stay hydrated, avoid caffeine. I believe</p> <p>3 there may have been other things they</p> <p>4 recommended.</p> <p>5 Q. You deleted the text messages</p> <p>6 you exchanged with Nurse Verdi; correct?</p> <p>7 A. No.</p> <p>8 Q. Do you still have the text</p> <p>9 messages with Nurse Verdi?</p> <p>10 A. No.</p> <p>11 Q. What happened to the text</p> <p>12 messages you exchanged with Nurse Verdi?</p> <p>13 A. My phone automatically deletes</p> <p>14 all text messages over thirty days old.</p> <p>15 Q. When you brought this</p> <p>16 litigation, you didn't take any</p> <p>17 precautions to preserve any documents or</p> <p>18 communications that might be responsive to</p> <p>19 the litigation?</p> <p>20 MR. HELLER: Objection to the</p> <p>21 implication that these text messages</p> <p>22 are responsive to this litigation.</p> <p>23 You can answer.</p> <p>24 THE WITNESS: I made an effort</p> <p>25 to maintain any documents or</p>

<p style="text-align: right;">Page 102</p> <p>1 K. Shiber</p> <p>2 communications that may be responsive</p> <p>3 to litigation.</p> <p>4 Q. What did you do in your efforts</p> <p>5 to maintain any documents or</p> <p>6 communications that might be relevant to</p> <p>7 the litigation?</p> <p>8 MR. HELLER: At what time are you</p> <p>9 talking about?</p> <p>10 THE WITNESS: At what point?</p> <p>11 Q. At what point did you determine</p> <p>12 that you would potentially bring a lawsuit</p> <p>13 against Centerview?</p> <p>14 MR. HELLER: Objection.</p> <p>15 Answer if you can.</p> <p>16 THE WITNESS: I can't say the</p> <p>17 exact date. It was following my</p> <p>18 termination.</p> <p>19 Q. How long after your termination</p> <p>20 did you speak with a lawyer?</p> <p>21 A. The next day.</p> <p>22 Q. Did you take any steps to make</p> <p>23 sure that any relevant or responsive</p> <p>24 documents or communications were being</p> <p>25 preserved?</p>	<p style="text-align: right;">Page 104</p> <p>1 K. Shiber</p> <p>2 Q. Why not?</p> <p>3 A. Because following the</p> <p>4 termination, I was extremely shocked,</p> <p>5 embarrassed, ashamed, upset, freaking out</p> <p>6 about the situation, and would not have</p> <p>7 wanted to share that information with</p> <p>8 anyone over text message.</p> <p>9 MS. SKIBITSKY: Should we go off</p> <p>10 the record for a minute.</p> <p>11 MR. HELLER: Sure.</p> <p>12 THE VIDEOGRAPHER: We are now off</p> <p>13 the record.</p> <p>14 The time on the video monitor is</p> <p>15 12:24 p.m.</p> <p>16 (Whereupon a break was taken)</p> <p>17 THE VIDEOGRAPHER: We are now</p> <p>18 back on the record.</p> <p>19 The time on the video monitor is</p> <p>20 12:37 p.m.</p> <p>21 MS. SKIBITSKY: Janice, can we</p> <p>22 mark tab C as Exhibit 3, please.</p> <p>23 (Whereupon, a document entitled</p> <p>24 Plaintiff's Initial Disclosures</p> <p>25 was marked Defendant's Exhibit 3</p>
<p style="text-align: right;">Page 103</p> <p>1 K. Shiber</p> <p>2 A. Yes.</p> <p>3 Q. What steps did you take?</p> <p>4 A. I kept track of my job search</p> <p>5 history as I tried to find a new job</p> <p>6 following the termination, I maintained</p> <p>7 e-mail communications that I had with the</p> <p>8 firm, any notes or other documents that I</p> <p>9 had about the situation.</p> <p>10 Q. After you were terminated from</p> <p>11 Centerview -- that occurred on August 15,</p> <p>12 2020; is that correct?</p> <p>13 A. No.</p> <p>14 Q. I'm sorry, September 15, 2020;</p> <p>15 is that correct?</p> <p>16 A. Yes.</p> <p>17 Q. Did you text anyone that day</p> <p>18 after your termination?</p> <p>19 A. In general or about this?</p> <p>20 Q. In general.</p> <p>21 A. I may have texted people on that</p> <p>22 day.</p> <p>23 Q. Would you have texted anyone</p> <p>24 about the termination?</p> <p>25 A. No.</p>	<p style="text-align: right;">Page 105</p> <p>1 K. Shiber</p> <p>2 for identification.)</p> <p>3 Q. Ms. Shiber, do you have</p> <p>4 Exhibit 3 in front of you?</p> <p>5 A. Yes.</p> <p>6 Q. And so do you see this is</p> <p>7 Plaintiff's initial disclosures?</p> <p>8 A. Yes.</p> <p>9 Q. Have you seen this document</p> <p>10 before?</p> <p>11 A. Yes.</p> <p>12 Q. Can we turn to the last page of</p> <p>13 the document, page ten.</p> <p>14 A. Yes.</p> <p>15 Q. Under the section front pay for</p> <p>16 the next five years, do you see that?</p> <p>17 A. Yes.</p> <p>18 Q. Let's look at the middle</p> <p>19 paragraph there. It says, "Shiber also</p> <p>20 seeks compensatory damages for the</p> <p>21 emotional anxiety, distress, and</p> <p>22 significant diminution in the quality of</p> <p>23 her life as a result of Centerview's</p> <p>24 discrimination, which will continue in the</p> <p>25 future and remain an irreparable and</p>

27 (Pages 102 - 105)

<p style="text-align: right;">Page 106</p> <p>1 K. Shiber 2 irreversible source of loss". 3 Do you see that? 4 A. Yes. 5 Q. Isn't it true that today you're 6 living your best life in your attempts to 7 be a full-time artist? 8 A. No. 9 Q. Isn't it true that you're trying 10 to make art your full-time job? 11 A. No. 12 Q. Isn't it true that being an 13 artist is your dream, a full-time artist 14 is your dream? 15 A. Can you define "dream"? 16 Q. Ms. Shiber, you have several Tik 17 Tok accounts; is that right? 18 A. Not currently. 19 Q. Did you at one point have Tik 20 Tok accounts? 21 A. Yes. 22 Q. And is one of the handles 23 @kathrynshiber? 24 A. Yes. 25 MS. SKIBITSKY: I'd like to mark</p>	<p style="text-align: right;">Page 108</p> <p>1 K. Shiber 2 artist full time"; correct? We can play 3 it again, if that would be helpful. 4 A. Sure. 5 MS. SKIBITSKY: And stop it at 6 four seconds. 7 (Whereupon a video was played) 8 THE WITNESS: Yes. 9 Q. And so as of February, 2021, you 10 were a twenty-one-year-old photographer in 11 San Francisco chasing your dream of being 12 an artist full time; correct? 13 A. No. 14 Q. What is not correct about that? 15 A. What's not correct is that 16 wasn't my real dream. I wasn't being an 17 artist full time. And those parts are not 18 correct. 19 Q. What was your real dream? 20 A. My dream was to work at 21 Centerview. 22 Q. Isn't it true that you were 23 putting all of your time, effort, and 24 money into pursuing art full time as of 25 February, 2021?</p>
<p style="text-align: right;">Page 107</p> <p>1 K. Shiber 2 as Exhibit 4 a Tik Tok that Centerview 3 has produced and it's bearing Bates 4 label Centerview 3208. 5 And this Tik Tok I can represent 6 is dated February 17, 2021. 7 (Whereupon, a video file 8 was deemed marked Defendant's 9 Exhibit 4 for identification.) 10 Q. Ms. Shiber, before we play it, 11 do you recognize this Tik Tok? 12 A. So far, yes. 13 MS. SKIBITSKY: You can play 14 that. 15 (Whereupon a video was played) 16 Q. Okay. 17 Do you recall recording that Tik 18 Tok, Ms. Shiber? 19 A. Yes. 20 Q. And that was recorded in 21 February of 2021? 22 A. Yes. 23 Q. And you wrote, "I'm a 24 twenty-one-year-old photographer in San 25 Francisco chasing my dream of being an</p>	<p style="text-align: right;">Page 109</p> <p>1 K. Shiber 2 A. No. 3 Q. Why did you publish this Tik Tok 4 if it's not true that you were chasing 5 your full-time dream of being an artist as 6 of February, 2021? 7 A. I was trying to grow a following 8 on Tik Tok related to being an artist and 9 gain customers through the platform. 10 Q. Did that work? 11 A. Define "work". 12 Q. Did you gain customers through 13 the platform of Tik Tok? 14 A. I don't believe so. 15 Q. Have you made any money off of 16 selling your artwork? 17 A. Yes. 18 Q. How much money have you made off 19 of selling your artwork? 20 A. At what point in time? 21 Q. From -- let's start at the 22 period of time that you were employed by 23 Centerview. 24 So July, 2020 through 25 September 15, 2020, how much money did you</p>

28 (Pages 106 - 109)

<p style="text-align: right;">Page 110</p> <p>1 K. Shiber</p> <p>2 make during that time selling your</p> <p>3 artwork?</p> <p>4 A. During that time, I don't</p> <p>5 believe I made any money selling my</p> <p>6 artwork.</p> <p>7 Q. From September 15 to present,</p> <p>8 how much money have you made selling your</p> <p>9 artwork?</p> <p>10 A. Can you define "money made",</p> <p>11 please?</p> <p>12 Q. How much have customers paid you</p> <p>13 for the artwork that you've made? So I'm</p> <p>14 not talking net profits, I'm talking total</p> <p>15 if you calculate all of the pieces you've</p> <p>16 sold and the money you received from</p> <p>17 customers, what does that total from</p> <p>18 September 15, 2020 to present?</p> <p>19 A. I don't recall the exact total.</p> <p>20 I would estimate between ten and \$30,000.</p> <p>21 Q. Is there a reason you didn't</p> <p>22 disclose this to Centerview in the</p> <p>23 Exhibit 4 that we're looking at,</p> <p>24 Plaintiff's initial disclosures? Take a</p> <p>25 look at page nine, third paragraph from</p>	<p style="text-align: right;">Page 112</p> <p>1 K. Shiber</p> <p>2 MR. HELLER: Okay. I thought you</p> <p>3 wanted information.</p> <p>4 MS. SKIBITSKY: I did not ask you</p> <p>5 a question, Brian.</p> <p>6 Q. Ms. Shiber, did you disclose any</p> <p>7 income you've received from your art in</p> <p>8 this document?</p> <p>9 MR. HELLER: Objection.</p> <p>10 THE WITNESS: Yes, it's included</p> <p>11 in my -- in the sentence "worked as a</p> <p>12 consultant".</p> <p>13 Q. And so which of these amounts</p> <p>14 reflect the income you've received as an</p> <p>15 artist since September 15, 2020?</p> <p>16 A. All of them reflect any earnings</p> <p>17 from being an artist.</p> <p>18 Q. So when it says, "Shiber has</p> <p>19 worked as a consultant from which she</p> <p>20 earned \$3,999 in 2020", does that term</p> <p>21 "consultant" include the work you were</p> <p>22 doing selling art?</p> <p>23 A. Yes.</p> <p>24 Q. Do you consider yourself a</p> <p>25 consultant as an artist?</p>
<p style="text-align: right;">Page 111</p> <p>1 K. Shiber</p> <p>2 the bottom. It starts in the fourth</p> <p>3 paragraph from the bottom, "accordingly,</p> <p>4 Shiber could have earned [REDACTED]</p> <p>5 [REDACTED]</p> <p>6 [REDACTED] since her unlawful</p> <p>7 termination. Shiber deducts from this</p> <p>8 amount what she has actually earned since</p> <p>9 her termination on September 15, 2020".</p> <p>10 Did you disclose at any point</p> <p>11 this ten to thirty thousand?</p> <p>12 MR. HELLER: I'm going to</p> <p>13 represent on the record these numbers</p> <p>14 do include that figure.</p> <p>15 MS. SKIBITSKY: Brian, this</p> <p>16 question is for the witness.</p> <p>17 MR. HELLER: You are</p> <p>18 misrepresenting the record and I'm</p> <p>19 trying to correct it. If you don't</p> <p>20 want me to correct it, then that's</p> <p>21 fine, then ask your incorrect question</p> <p>22 and you'll get an incorrect answer.</p> <p>23 MS. SKIBITSKY: I can ask the</p> <p>24 witness the question that I like and</p> <p>25 she can answer accurately.</p>	<p style="text-align: right;">Page 113</p> <p>1 K. Shiber</p> <p>2 A. Yes.</p> <p>3 Q. And then in 2021, there's</p> <p>4 \$30,215 listed.</p> <p>5 Does that account for all of the</p> <p>6 income you've made selling art in 2021?</p> <p>7 A. Yes. These figures are net</p> <p>8 income during those time periods.</p> <p>9 Q. And then it says in the first</p> <p>10 six months of 2022, there's six thousand.</p> <p>11 Does that account for any of the</p> <p>12 artwork you've sold in the first six</p> <p>13 months of 2022?</p> <p>14 A. Yes.</p> <p>15 Q. Isn't it true, Ms. Shiber, that</p> <p>16 you were spending all of your time,</p> <p>17 effort, and money into pursuing art full</p> <p>18 time in 2021?</p> <p>19 A. No.</p> <p>20 MS. SKIBITSKY: I'd like to mark</p> <p>21 as Exhibit 6 tab NNN. This is another</p> <p>22 Tik Tok from the Kathryn Shiber</p> <p>23 account.</p> <p>24 (Whereupon, a video file</p> <p>25 was deemed marked Defendant's</p>

<p style="text-align: right;">Page 114</p> <p>1 K. Shiber 2 Exhibit 5 for identification.) 3 MR. HELLER: Is this five or six? 4 MR. VALENTINO: I think we're up 5 to five. 6 MR. HELLER: I don't have a five. 7 MS. SKIBITSKY: Oh, right because 8 we don't have hard copies. This is 9 six because the last Tik Tok was 10 Exhibit 5. 11 MR. HELLER: Then what was four? 12 MS. SKIBITSKY: Four was the 13 initial disclosure. 14 Can we go off the record for a 15 second. 16 THE VIDEOGRAPHER: We are now off 17 the record. 18 The time on the video monitor is 19 12:49 p.m. 20 (Whereupon a break was taken) 21 THE VIDEOGRAPHER: We are now 22 back on the record. 23 The time on the video monitor is 24 12:50 p.m. 25 Q. Ms. Shiber, this is a Tik Tok</p>	<p style="text-align: right;">Page 116</p> <p>1 K. Shiber 2 MS. SKIBITSKY: Let's play this, 3 Janice, please. 4 (Whereupon a video was played) 5 Q. What is it that you were doing 6 full time in February of 2021 if you were 7 not devoting all of your time and 8 resources into making art your full-time 9 job? 10 A. I wasn't doing anything specific 11 full time. 12 Q. What were you doing in general 13 in February, 2021? How were you spending 14 your days? 15 A. I was applying to jobs, I was 16 applying for consulting projects, I was 17 attempting -- I was making art and 18 attempting to make money through selling 19 that art, I was spending time with 20 friends, exercising, sleeping, eating, 21 feeling upset about the fact that I had 22 just lost what I considered to be my dream 23 job, and I was feeling hopeless about my 24 career prospects going forward. 25 Q. So is it the case that we can't</p>
<p style="text-align: right;">Page 115</p> <p>1 K. Shiber 2 that I can represent is dated February 28, 3 2021 that Centerview produced at 3254. 4 Do you recognize this without us 5 first playing it? 6 A. Yes. 7 Q. And do you recall preparing this 8 Tik Tok? 9 A. No. 10 Q. Do you see at the very beginning 11 it says, "me putting all my time, effort, 12 and money into pursuing art full time"? 13 A. Yes. 14 Q. And isn't it true that in 15 February of 2021, you were putting all 16 your time, effort, and money into pursuing 17 art full time? 18 A. No. 19 Q. Why did you publish this 20 statement? 21 A. Similar to the previous one. I 22 was trying to grow a Tik Tok account 23 related to my art in an attempt to gain 24 customers and makes sales of art through 25 the platform.</p>	<p style="text-align: right;">Page 117</p> <p>1 K. Shiber 2 trust the representations that you make on 3 Tik Tok to be accurate? 4 A. Yes. 5 Q. Can we trust the representations 6 that you make to medical providers to be 7 accurate? 8 A. Yes. 9 MS. SKIBITSKY: I'm going to mark 10 this. 11 (Whereupon, a document entitled 12 Progress Notes was marked Defendant's 13 Exhibit 6 for identification.) 14 Q. Ms. Shiber, you testified 15 earlier that working at Centerview was 16 your dream job; right? 17 A. Yes. 18 Q. That's not true; is it? 19 A. It is true. 20 Q. Being an artist is your dream 21 job? 22 A. No. 23 Q. Isn't it true that you want to 24 work -- isn't it true that you want to 25 work just as hard enough at a day job to</p>

<p style="text-align: right;">Page 118</p> <p>1 K. Shiber</p> <p>2 be good enough but spend most of your</p> <p>3 attention on art?</p> <p>4 A. I believe you're referencing</p> <p>5 this document. I do recall saying that.</p> <p>6 Q. Let's look at the document.</p> <p>7 This is Exhibit 6 in front of</p> <p>8 you, Ms. Shiber.</p> <p>9 Do you have progress notes from</p> <p>10 Allison Lee in front of you?</p> <p>11 A. Yes.</p> <p>12 Q. And the first one is dated</p> <p>13 January 18, 2022.</p> <p>14 Do you see that?</p> <p>15 A. Yes.</p> <p>16 Q. Who is Allison Lee?</p> <p>17 A. Allison Lee is a psychiatrist</p> <p>18 and therapist.</p> <p>19 Q. When did you start seeing Dr.</p> <p>20 Lee?</p> <p>21 A. In the fall of 2021.</p> <p>22 Q. And let's look at page</p> <p>23 PROVIDERS_66. Actually, let's look at</p> <p>24 PROVIDERS_70.</p> <p>25 This is a progress note from</p>	<p style="text-align: right;">Page 120</p> <p>1 K. Shiber</p> <p>2 A. I don't believe so.</p> <p>3 Q. How much time have you spent</p> <p>4 working on your art since you left</p> <p>5 Centerview on a weekly basis?</p> <p>6 A. It's been highly dependent on</p> <p>7 the week.</p> <p>8 Q. How many hours per day on</p> <p>9 average do you spend working on your art?</p> <p>10 A. I don't think I can give an</p> <p>11 amount on average throughout the entire</p> <p>12 time period you're referencing.</p> <p>13 Q. Let's talk about September, 2020</p> <p>14 after you left Centerview.</p> <p>15 How much time per day did you</p> <p>16 spend working on your art?</p> <p>17 A. For those two weeks, I can't</p> <p>18 give an exact number.</p> <p>19 Q. Can you give an estimate?</p> <p>20 A. During those two weeks, I would</p> <p>21 estimate less than three hours per day.</p> <p>22 Q. What was the most you would have</p> <p>23 been working on your art per day during</p> <p>24 those two weeks?</p> <p>25 A. The most during those two weeks</p>
<p style="text-align: right;">Page 119</p> <p>1 K. Shiber</p> <p>2 October 28, 2021.</p> <p>3 Do you see that?</p> <p>4 A. Yes.</p> <p>5 Q. And under subjective, Dr. Lee</p> <p>6 writes, "taking meds as prescribed. Mood</p> <p>7 stable. Eclectic particular therapy.</p> <p>8 Themes: Art show coming up next weekend in</p> <p>9 Brooklyn; biggest yet".</p> <p>10 Do you recall that, the art show</p> <p>11 coming up in Brooklyn in October of 2021?</p> <p>12 A. Yes.</p> <p>13 Q. And did you spend a lot of time</p> <p>14 preparing for that art show?</p> <p>15 A. Yes.</p> <p>16 Q. How much time did you spend</p> <p>17 working on your art while you were at</p> <p>18 Centerview?</p> <p>19 A. Minimal time. I can't give an</p> <p>20 exact number.</p> <p>21 Q. Was it more than ten hours a</p> <p>22 week?</p> <p>23 A. No.</p> <p>24 Q. Was it more than ten hours a</p> <p>25 month?</p>	<p style="text-align: right;">Page 121</p> <p>1 K. Shiber</p> <p>2 I would say three to five hours.</p> <p>3 Q. Per day?</p> <p>4 A. On any one -- on one day. Like</p> <p>5 I said, on average less than three hours.</p> <p>6 Q. Isn't it true that even in the</p> <p>7 fall of 2020 while you were still employed</p> <p>8 by Centerview, you were applying to open</p> <p>9 calls at galleries?</p> <p>10 A. When is the fall?</p> <p>11 Q. September, 2020.</p> <p>12 A. I don't believe I applied to any</p> <p>13 during September, 2020.</p> <p>14 Q. Did you apply to any an in the</p> <p>15 any open galleries at any point in time</p> <p>16 when you were working at Centerview?</p> <p>17 A. Yes.</p> <p>18 Q. When?</p> <p>19 A. I don't recall the exact date I</p> <p>20 applied.</p> <p>21 Q. What galleries did you apply to?</p> <p>22 A. I recall that I applied to an</p> <p>23 open exhibit, a gallery in Texas.</p> <p>24 Q. Okay.</p> <p>25 And here in this progress note</p>

<p style="text-align: right;">Page 122</p> <p>1 K. Shiber</p> <p>2 from Dr. Lee, you write -- Dr. Lee notes,</p> <p>3 "initially thought it could only be a</p> <p>4 hobby for now. Would make banking money</p> <p>5 and then retire early and do art".</p> <p>6 Do you see that?</p> <p>7 A. Yes.</p> <p>8 Q. So your preference was to do</p> <p>9 art, not make banking money; correct?</p> <p>10 A. No.</p> <p>11 Q. If you had money enough to</p> <p>12 retire, isn't it the case that you would</p> <p>13 just retire and do art full time?</p> <p>14 A. I can't speculate about what I</p> <p>15 would do if I had enough money to retire.</p> <p>16 Q. And Dr. Lee goes on to say,</p> <p>17 "last fall applied to open calls at</p> <p>18 galleries. Got one just as lost her job".</p> <p>19 Do you see that?</p> <p>20 A. Yes.</p> <p>21 Q. Okay.</p> <p>22 And so in other words, you were</p> <p>23 applying to open calls at galleries while</p> <p>24 you were employed by Centerview; correct?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 124</p> <p>1 K. Shiber</p> <p>2 period are you asking about?</p> <p>3 Q. As of October, 2021, is that</p> <p>4 true?</p> <p>5 A. As of October, 2021, I did say</p> <p>6 that to Allison Lee.</p> <p>7 Q. And as of even today, it's true</p> <p>8 that you want to focus all of your</p> <p>9 attention on art; correct?</p> <p>10 A. No.</p> <p>11 MS. SKIBITSKY: Lunch?</p> <p>12 MR. HELLER: Sure.</p> <p>13 THE VIDEOGRAPHER: We are now off</p> <p>14 the record.</p> <p>15 The time on the video monitor is</p> <p>16 1:01 p.m.</p> <p>17 (Lunch recess taken at 1:01</p> <p>18 p.m.)</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p style="text-align: right;">Page 123</p> <p>1 K. Shiber</p> <p>2 Q. And what does one do in order to</p> <p>3 apply to an open call at a gallery?</p> <p>4 A. Submit a portfolio of work and</p> <p>5 write a brief -- fill out a form, write a</p> <p>6 brief application statement.</p> <p>7 Q. How much time did that take you</p> <p>8 to apply for an open call at that gallery?</p> <p>9 A. Probably less than one hour.</p> <p>10 Q. The artwork that you submitted</p> <p>11 in connection with that application, did</p> <p>12 you make that artwork while you were at</p> <p>13 Centerview?</p> <p>14 A. I don't recall exactly what art</p> <p>15 I submitted as part of that application.</p> <p>16 Q. And Dr. Lee goes on to say,</p> <p>17 "thought re artist, why not me.</p> <p>18 Researched a lot about being a working</p> <p>19 artist. Wants to work just hard enough at</p> <p>20 day job to be good enough but most of</p> <p>21 attention on art".</p> <p>22 That's true, isn't it, that you</p> <p>23 wanted to work just hard enough to be good</p> <p>24 at day job but most of attention on art?</p> <p>25 A. At what point -- at what time</p>	<p style="text-align: right;">Page 125</p> <p>1 K. Shiber</p> <p>2 A F T E R N O O N S E S S I O N</p> <p>3 January 25, 2023</p> <p>4 1:39 p.m.</p> <p>5 THE VIDEOGRAPHER: We are now</p> <p>6 back on the record.</p> <p>7 The time on the video monitor is</p> <p>8 1:39 p.m.</p> <p>9 K A T H R Y N S H I B E R, having</p> <p>10 been previously duly sworn by a</p> <p>11 Notary Public of the State of</p> <p>12 New York, upon being examined,</p> <p>13 testified as follows:</p> <p>14 EXAMINATION CONTINUED BY</p> <p>15 MS. SKIBITSKY:</p> <p>16 Q. Ms. Shiber, do you still have</p> <p>17 the records of Dr. Lee in front of you?</p> <p>18 A. Yes.</p> <p>19 Q. So I had asked you about the</p> <p>20 statement in Dr. Lee's report that said,</p> <p>21 "initially thought art could only be a</p> <p>22 hobby for now; would make banking money</p> <p>23 and then retire early and do art"; right?</p> <p>24 And then a few sentences down</p> <p>25 there's a sentence that says, "wants to</p>

<p style="text-align: right;">Page 126</p> <p>1 K. Shiber</p> <p>2 work just hard enough at day job to be</p> <p>3 good enough, but most of attention on</p> <p>4 art".</p> <p>5 Do you see that?</p> <p>6 A. Yes.</p> <p>7 Q. And you had testified that, as</p> <p>8 of October 28, 2021, that was accurate; is</p> <p>9 that correct?</p> <p>10 A. Yes. I was feeling very</p> <p>11 disillusioned about my career, had just</p> <p>12 started a job I wasn't that excited about,</p> <p>13 and felt like it didn't matter how hard I</p> <p>14 worked. If I could just be fired for my</p> <p>15 disability, then it didn't matter.</p> <p>16 Q. So it's true that, as of</p> <p>17 October 28, 2021, you wanted to work just</p> <p>18 hard enough at your day job to be good</p> <p>19 enough but most of your attention you</p> <p>20 wanted to pay to art; correct?</p> <p>21 A. Is that different from the</p> <p>22 previous question? I think, yes.</p> <p>23 Q. At what point did it become true</p> <p>24 that you wanted to work just hard enough</p> <p>25 at your day job to be good enough but</p>	<p style="text-align: right;">Page 128</p> <p>1 K. Shiber</p> <p>2 sentiment became -- I realized that</p> <p>3 particular sentiment.</p> <p>4 Q. Was it true when you were in</p> <p>5 college?</p> <p>6 A. No.</p> <p>7 Q. Was it true in October, 2020?</p> <p>8 A. I can't say.</p> <p>9 Q. Was it true in September, 2020?</p> <p>10 A. I can't say.</p> <p>11 Q. Was it true in August, 2020?</p> <p>12 A. No.</p> <p>13 Q. At what point -- I think you</p> <p>14 testified that this sentiment that is</p> <p>15 expressed in Dr. Lee's records that we've</p> <p>16 been discussing is not currently true; is</p> <p>17 that correct?</p> <p>18 A. Yes, I believe I said that.</p> <p>19 Q. So your testimony is that it's</p> <p>20 not currently true that you want to work</p> <p>21 just hard enough at day job to be good</p> <p>22 enough but most of attention to devote to</p> <p>23 art; correct?</p> <p>24 A. It's not true currently because</p> <p>25 I am not devoting most of my attention to</p>
<p style="text-align: right;">Page 127</p> <p>1 K. Shiber</p> <p>2 wanted to devote most of your attention on</p> <p>3 art?</p> <p>4 A. As I thought about my career</p> <p>5 after losing what had been my dream job</p> <p>6 and what I thought was going to set me up</p> <p>7 for the career that I had wanted, that's</p> <p>8 when I started feeling like there was --</p> <p>9 it didn't matter how hard I worked because</p> <p>10 I had worked hard at Centerview, it didn't</p> <p>11 matter, they fired me because of my</p> <p>12 disability, so why should it matter how</p> <p>13 hard I worked at my current day job if</p> <p>14 that could still happen to me again.</p> <p>15 Q. That doesn't really answer the</p> <p>16 question.</p> <p>17 At what point in time -- let me</p> <p>18 put it that way?</p> <p>19 At what point in time did it</p> <p>20 become true that you wanted to work just</p> <p>21 hard enough at your day job and devote</p> <p>22 most of your attention to art?</p> <p>23 MR. HELLER: Objection.</p> <p>24 THE WITNESS: I can't say the</p> <p>25 exact day that that particular</p>	<p style="text-align: right;">Page 129</p> <p>1 K. Shiber</p> <p>2 art.</p> <p>3 Q. The question is not whether you</p> <p>4 are or are not currently devoting most of</p> <p>5 your attention to art but whether you want</p> <p>6 to devote most of your attention to art.</p> <p>7 Today, do you want to be</p> <p>8 devoting most of your attention to art?</p> <p>9 MR. HELLER: Objection.</p> <p>10 THE WITNESS: No.</p> <p>11 Q. At what point did it not become</p> <p>12 true that you want to work just hard</p> <p>13 enough at your day job to be good enough</p> <p>14 but most attention on art?</p> <p>15 A. I can't say at what point that</p> <p>16 happened.</p> <p>17 Q. Was it in November, 2021 that</p> <p>18 that statement became not true?</p> <p>19 A. Sorry, could you clarify which</p> <p>20 -- like could you just --</p> <p>21 Q. I'm trying to get a sense of you</p> <p>22 told Dr. Lee as we see in those notes --</p> <p>23 that -- and this is on October 28, 2021</p> <p>24 you told Dr. Lee that you want to work</p> <p>25 just hard enough at your day job to be</p>

<p style="text-align: right;">Page 130</p> <p>1 K. Shiber</p> <p>2 good enough but spend most of your</p> <p>3 attention on art. So we've established</p> <p>4 that that was said to Dr. Lee in October</p> <p>5 of 2021.</p> <p>6 And then I believe your</p> <p>7 testimony was that you don't currently</p> <p>8 feel that way, and so I'm trying to get a</p> <p>9 sense of at what point after this</p> <p>10 October 28, 2021 meeting did you stop</p> <p>11 feeling that you wanted to work just hard</p> <p>12 enough at your day job to be good enough</p> <p>13 but devote most of your attention to art?</p> <p>14 A. I don't know exactly when --</p> <p>15 when that changed.</p> <p>16 Q. Did it change at some point in</p> <p>17 2021?</p> <p>18 A. I don't recall.</p> <p>19 Q. Did it change at some point in</p> <p>20 2022?</p> <p>21 A. I don't recall.</p> <p>22 Q. Did it change at some point this</p> <p>23 month?</p> <p>24 A. I don't recall.</p> <p>25 Q. Did it ever change?</p>	<p style="text-align: right;">Page 132</p> <p>1 K. Shiber</p> <p>2 a variety of different things, not</p> <p>3 necessarily a majority on a specific topic</p> <p>4 but inclusive of my current day job, art,</p> <p>5 my health, my family, hobbies,</p> <p>6 friendships, relationships, a variety of</p> <p>7 different things.</p> <p>8 Q. Are these the same things -- is</p> <p>9 there anything else that you want to be</p> <p>10 devoting your attention to today?</p> <p>11 A. I guess I did include additional</p> <p>12 efforts to earn money through consulting</p> <p>13 beyond my day job.</p> <p>14 Q. So when I asked you what do you</p> <p>15 currently feel that you want to devote</p> <p>16 most of your attention to today, you gave</p> <p>17 a list just now; correct?</p> <p>18 A. Yes.</p> <p>19 Q. In July of 2020 when you started</p> <p>20 with Centerview, what did you want to</p> <p>21 devote most of your attention to at that</p> <p>22 time? Is it the same list or is it a</p> <p>23 different list?</p> <p>24 A. It's a similar list, but I would</p> <p>25 say that the emphasis on the current day</p>
<p style="text-align: right;">Page 131</p> <p>1 K. Shiber</p> <p>2 A. Yes.</p> <p>3 Q. What is it that you currently</p> <p>4 want to be devoting your attention to now?</p> <p>5 MR. HELLER: Objection.</p> <p>6 THE WITNESS: In what context?</p> <p>7 Q. Well, this sentence says, wants</p> <p>8 "to work just hard enough at day job to be</p> <p>9 good enough but most of attention on art".</p> <p>10 Is this an accurate</p> <p>11 representation of your current feelings?</p> <p>12 MR. HELLER: Objection. Asked</p> <p>13 and answered multiple times.</p> <p>14 THE WITNESS: No, it's not a</p> <p>15 representation of my current feelings.</p> <p>16 Q. Can you tell me what your</p> <p>17 current feelings are on the connection</p> <p>18 between your day job and your artwork?</p> <p>19 A. I don't currently feel that I</p> <p>20 want to devote most of my attention to</p> <p>21 art.</p> <p>22 Q. What do you currently feel that</p> <p>23 you want to devote most of your attention</p> <p>24 to?</p> <p>25 A. I want to devote my attention to</p>	<p style="text-align: right;">Page 133</p> <p>1 K. Shiber</p> <p>2 job was significantly larger, including --</p> <p>3 yeah, was significantly more of a focus at</p> <p>4 that time.</p> <p>5 Q. Why is it that your day job is</p> <p>6 less of a focus at this time on the list</p> <p>7 of things you want to devote your</p> <p>8 attention to?</p> <p>9 A. Because I feel like no matter</p> <p>10 how much attention I focus on my day job,</p> <p>11 it can always be taken away from me by</p> <p>12 surprise without my feelings -- without</p> <p>13 doing anything wrong, for being disabled.</p> <p>14 So I don't think that -- I'm currently</p> <p>15 feeling disillusioned with -- and feeling</p> <p>16 like it's not worth focusing on my</p> <p>17 performance at my day job because I could</p> <p>18 lose it regardless.</p> <p>19 Q. What is your current day job?</p> <p>20 A. I'm a strategic financial</p> <p>21 analyst at Google.</p> <p>22 Q. What are your hours with Google?</p> <p>23 A. There's no set hours.</p> <p>24 Q. Is it a consulting job or is it</p> <p>25 a salary-based job?</p>

<p style="text-align: right;">Page 134</p> <p>1 K. Shiber</p> <p>2 A. It's a full-time salary</p> <p>3 position.</p> <p>4 Q. Do you work from home?</p> <p>5 A. I have a hybrid schedule.</p> <p>6 Q. Okay.</p> <p>7 Do you typically start your day</p> <p>8 at a certain time?</p> <p>9 A. Yes.</p> <p>10 Q. What time do you usually start</p> <p>11 your day?</p> <p>12 A. I start working between --</p> <p>13 around 8:00 a.m.</p> <p>14 Q. And what time do you typically</p> <p>15 end your day, your working day?</p> <p>16 A. It really depends on the day.</p> <p>17 Typically between 5:00 p.m. and 8:00 p.m.</p> <p>18 Q. Have you requested any</p> <p>19 accommodations from Google with respect to</p> <p>20 your disabilities?</p> <p>21 A. No.</p> <p>22 Q. Can we look at Plaintiff's</p> <p>23 initial disclosures, which I believe is</p> <p>24 Exhibit 3.</p> <p>25 Ms. Shiber, if we look at page</p>	<p style="text-align: right;">Page 136</p> <p>1 K. Shiber</p> <p>2 would have paid \$85,000 as a base salary</p> <p>3 with Compass; correct?</p> <p>4 A. Yes.</p> <p>5 Q. And you declined to take that</p> <p>6 job?</p> <p>7 A. Yes.</p> <p>8 Q. Why did you decline to take at</p> <p>9 that job offer?</p> <p>10 A. There were several reasons, one</p> <p>11 of which I did not think that the salary</p> <p>12 and bonus amount was an appropriate market</p> <p>13 rate. And I also felt uncomfortable with</p> <p>14 some of the conditions of the employment</p> <p>15 contract. And it also felt -- yeah,</p> <p>16 that's it.</p> <p>17 Q. What were the conditions of the</p> <p>18 employment contract that you were</p> <p>19 uncomfortable with?</p> <p>20 A. There were conditions related to</p> <p>21 outside work that I did not want to --</p> <p>22 that I didn't feel comfortable with.</p> <p>23 Q. What were those conditions?</p> <p>24 A. That I could not -- from my</p> <p>25 recollection, it was that I could not earn</p>
<p style="text-align: right;">Page 135</p> <p>1 K. Shiber</p> <p>2 nine here, under back pay from</p> <p>3 September 15, 2020 [sic] through June 30,</p> <p>4 2020 [sic], is this a list of what you are</p> <p>5 demanding from Centerview in connection</p> <p>6 with this lawsuit for what you claim to be</p> <p>7 monetary losses from your termination?</p> <p>8 MR. HELLER: Objection.</p> <p>9 You can answer.</p> <p>10 THE WITNESS: I believe that</p> <p>11 this is a component of the full amount</p> <p>12 of monetary loss.</p> <p>13 Q. Okay.</p> <p>14 And in the middle section of the</p> <p>15 document it says, "accordingly, Shiber</p> <p>16 could have earned \$[REDACTED] since her</p> <p>17 unlawful termination".</p> <p>18 Do you see that?</p> <p>19 A. Yes.</p> <p>20 Q. And then it goes on to deduct</p> <p>21 from this amount what you actually earned</p> <p>22 since your termination on September 15,</p> <p>23 2020; correct?</p> <p>24 A. Yes.</p> <p>25 Q. You were offered a job that</p>	<p style="text-align: right;">Page 137</p> <p>1 K. Shiber</p> <p>2 money from sources besides Compass during</p> <p>3 the time of my employment.</p> <p>4 Q. What were the sources of income</p> <p>5 other than Compass that you would have</p> <p>6 been interested in earning money from had</p> <p>7 you taken the Compass position?</p> <p>8 A. I can't speculate what I would</p> <p>9 have done had I taken the Compass</p> <p>10 position.</p> <p>11 Q. My question is what were the</p> <p>12 sources of income other than Compass that</p> <p>13 made you uncomfortable with accepting that</p> <p>14 restriction in the Compass employment</p> <p>15 agreement?</p> <p>16 A. I was earning money as a</p> <p>17 consultant and was also in the process of</p> <p>18 trying to earn money from my art and had</p> <p>19 also recently gotten a real estate license</p> <p>20 which I had been interested in pursuing as</p> <p>21 another source of income.</p> <p>22 Q. Who were you consulting for --</p> <p>23 MS. SKIBITSKY: Let me take a</p> <p>24 step back.</p> <p>25 Q. When did you receive the Compass</p>

35 (Pages 134 - 137)

<p style="text-align: right;">Page 138</p> <p>1 K. Shiber</p> <p>2 offer?</p> <p>3 A. It was January of 2021.</p> <p>4 MS. SKIBITSKY: Okay.</p> <p>5 Can we mark as Exhibit 7,</p> <p>6 please.</p> <p>7 (Whereupon, a letter dated</p> <p>8 December 23, 2020 was marked</p> <p>9 Defendant's Exhibit 7</p> <p>10 for identification.)</p> <p>11 Q. Ms. Shiber, do you have exhibit</p> <p>12 in front of you?</p> <p>13 A. Yes.</p> <p>14 Q. Is this the Compass offer letter</p> <p>15 that you received?</p> <p>16 A. I believe so.</p> <p>17 Q. And you can see the date on this</p> <p>18 is December 3 -- I'm sorry, December 23,</p> <p>19 2020; correct?</p> <p>20 A. Yes.</p> <p>21 Q. So close in time to the January,</p> <p>22 2021 date that you had previously</p> <p>23 testified to?</p> <p>24 A. Yes.</p> <p>25 Q. And this December 23, 2020 offer</p>	<p style="text-align: right;">Page 140</p> <p>1 K. Shiber</p> <p>2 Q. What is Threadstone Capital?</p> <p>3 A. It's an investment bank.</p> <p>4 Q. When did you start consulting</p> <p>5 for Threadstone Capital?</p> <p>6 A. Around November, 2020.</p> <p>7 Q. And are you still consulting for</p> <p>8 Threadstone Capital?</p> <p>9 A. No.</p> <p>10 Q. How long did that consulting</p> <p>11 arrangement go?</p> <p>12 A. Until January or February of</p> <p>13 2021.</p> <p>14 Q. How many hours a week were you</p> <p>15 spending as a consultant for Threadstone</p> <p>16 in November, 2020 through January or</p> <p>17 February, 2021?</p> <p>18 A. I believe it was about twenty</p> <p>19 hours a week.</p> <p>20 Q. Were you paid on an hourly</p> <p>21 basis?</p> <p>22 A. No.</p> <p>23 Q. What was your compensation</p> <p>24 structure?</p> <p>25 A. It was a weekly payment.</p>
<p style="text-align: right;">Page 139</p> <p>1 K. Shiber</p> <p>2 came just a few months after your</p> <p>3 termination from Centerview; right?</p> <p>4 MR. HELLER: Objection.</p> <p>5 You can answer.</p> <p>6 THE WITNESS: Yes.</p> <p>7 Q. Okay.</p> <p>8 So you testified that you turned</p> <p>9 down the offer because you were</p> <p>10 uncomfortable with the restriction that</p> <p>11 you couldn't be earning money from other</p> <p>12 sources, and one of those sources that you</p> <p>13 were earning money from, as you testified,</p> <p>14 was as a consultant; right?</p> <p>15 A. Yes, I also said I was</p> <p>16 uncomfortable because of the salary</p> <p>17 amount. But yes, one source was as a</p> <p>18 consultant.</p> <p>19 Q. Were you consulting for anyone</p> <p>20 in particular as of December, 2020?</p> <p>21 A. Yes.</p> <p>22 Q. Who were you consulting for as</p> <p>23 of December, 2020?</p> <p>24 A. As of December, 2020, I was</p> <p>25 consulting for Threadstone Capital.</p>	<p style="text-align: right;">Page 141</p> <p>1 K. Shiber</p> <p>2 Q. Do you recall what your weekly</p> <p>3 payment was?</p> <p>4 A. No.</p> <p>5 Q. Did you request any</p> <p>6 accommodations from Threadstone?</p> <p>7 A. No.</p> <p>8 Q. Do you have a general</p> <p>9 recollection of what your weekly payment</p> <p>10 was with Threadstone?</p> <p>11 A. I think that it was calculated</p> <p>12 something like seventy-five or eighty-five</p> <p>13 thousand divided by like on a weekly</p> <p>14 basis.</p> <p>15 Q. Was it seventy-five or eighty</p> <p>16 thousand per year that was then divided by</p> <p>17 the weeks of the year?</p> <p>18 A. Yes, sorry.</p> <p>19 Q. Okay.</p> <p>20 But it wasn't a salary-based</p> <p>21 position; is that right?</p> <p>22 A. No, it was a contract position.</p> <p>23 Q. And you also were interested in</p> <p>24 making money through selling artwork,</p> <p>25 which was another reason you turned down</p>

<p style="text-align: right;">Page 142</p> <p>1 K. Shiber</p> <p>2 the Compass offer; is that right?</p> <p>3 A. Yes.</p> <p>4 Q. And do you have any recollection</p> <p>5 of how much money you made selling artwork</p> <p>6 in 2020?</p> <p>7 A. No.</p> <p>8 Q. Do you keep track of the amount</p> <p>9 of money you make through selling art?</p> <p>10 A. Yes.</p> <p>11 Q. How do you keep track of that?</p> <p>12 A. I keep a spreadsheet where I</p> <p>13 keep track of the amount I received for</p> <p>14 selling the art and subtract expenses</p> <p>15 related to creating and selling art.</p> <p>16 Q. When did you start maintaining</p> <p>17 that spreadsheet?</p> <p>18 A. I think I started maintaining it</p> <p>19 in conjunction with filing my taxes, so I</p> <p>20 looked back at my transactions to fill it</p> <p>21 in.</p> <p>22 Q. Do you report to the IRS the</p> <p>23 money that had you make from your art</p> <p>24 sales?</p> <p>25 A. Yeah, I have an LLC that I use</p>	<p style="text-align: right;">Page 144</p> <p>1 K. Shiber</p> <p>2 Q. You haven't produced that</p> <p>3 spreadsheet that you've been preparing</p> <p>4 that identifies your compensation from</p> <p>5 art; is that correct?</p> <p>6 A. I don't believe so.</p> <p>7 Q. Okay.</p> <p>8 So if you were making about</p> <p>9 seventy-five or eighty thousand from</p> <p>10 Threadstone and that was divided up</p> <p>11 weekly, that would be about fourteen</p> <p>12 hundred per week.</p> <p>13 Does that sound about right? I</p> <p>14 don't need an exact number, but fourteen</p> <p>15 hundred, fifteen hundred per week while</p> <p>16 you were advising -- consulting for</p> <p>17 Threadstone?</p> <p>18 A. Yeah, that sounds about right.</p> <p>19 Q. And you only advised for --</p> <p>20 consulted for Threadstone for a few month</p> <p>21 period from November, 2020 to January or</p> <p>22 February of 2021; is that right?</p> <p>23 A. Yes.</p> <p>24 Q. Had you not turned down the</p> <p>25 Compass position, you would have made</p>
<p style="text-align: right;">Page 143</p> <p>1 K. Shiber</p> <p>2 for both consulting and art, so and I</p> <p>3 reflect -- the LLC reports its earnings to</p> <p>4 the IRS.</p> <p>5 Q. Does the LLC differentiate</p> <p>6 between the consulting work you do and the</p> <p>7 artwork that you do?</p> <p>8 A. No, the LLC doesn't</p> <p>9 differentiate.</p> <p>10 Q. What's the name of the LLC?</p> <p>11 A. West Englewood LLC.</p> <p>12 Q. How do your customers pay you</p> <p>13 when they purchase art?</p> <p>14 A. It depends on the venue that</p> <p>15 they purchase. So I've had customers pay</p> <p>16 in cash, through the Square point-of-sale</p> <p>17 system, through Venmo, and I've also</p> <p>18 received payments when I've sold through</p> <p>19 an art fair, then the art fair will pay</p> <p>20 through PayPal.</p> <p>21 Q. And you haven't produced any of</p> <p>22 those payments in connection with this</p> <p>23 litigation; is that correct?</p> <p>24 A. I produced my tax filings which</p> <p>25 includes payments.</p>	<p style="text-align: right;">Page 145</p> <p>1 K. Shiber</p> <p>2 eighty-five thousand a year before bonus</p> <p>3 and benefits; correct?</p> <p>4 A. I can't say what would have</p> <p>5 happened had I not turned down the</p> <p>6 position.</p> <p>7 Q. But you understood that the</p> <p>8 salary they were offering you was \$85,000</p> <p>9 a year without even considering a bonus;</p> <p>10 correct?</p> <p>11 A. Yes.</p> <p>12 Q. Okay.</p> <p>13 And had you made \$85,000 over</p> <p>14 the past two years, you would have</p> <p>15 necessarily deducted that amount from the</p> <p>16 amount of damages you're claiming</p> <p>17 Centerview owes you; correct?</p> <p>18 A. Yes, we've deducted how much</p> <p>19 money I made, so if I made a different</p> <p>20 amount, we likely would have deducted that</p> <p>21 as well.</p> <p>22 Q. So had you accepted the Compass</p> <p>23 offer, you would have deducted</p> <p>24 approximately one hundred seventy thousand</p> <p>25 from the amount that you're claiming</p>

<p style="text-align: right;">Page 146</p> <p>1 K. Shiber</p> <p>2 Centerview currently owes you of [REDACTED]</p> <p>3 is that correct?</p> <p>4 MR. HELLER: Objection.</p> <p>5 Are you asking the witness to</p> <p>6 speculate on what she would have</p> <p>7 earned or could have earned had</p> <p>8 something else happened in history?</p> <p>9 MS. SKIBITSKY: I am asking the</p> <p>10 witness a question and you're free to</p> <p>11 object but you're not free to offer</p> <p>12 speaking objections.</p> <p>13 MR. HELLER: I'm going to allow</p> <p>14 the witness to answer the question,</p> <p>15 but I'm going to direct her not to</p> <p>16 speculate, which I think you would</p> <p>17 agree with.</p> <p>18 MS. SKIBITSKY: And I'm going to</p> <p>19 ask you to cease the speaking</p> <p>20 objections. It's not appropriate in</p> <p>21 this district, Brian.</p> <p>22 MR. HELLER: I don't think it's</p> <p>23 appropriate for you to start asking</p> <p>24 her about what she could have earned,</p> <p>25 about --</p>	<p style="text-align: right;">Page 148</p> <p>1 K. Shiber</p> <p>2 gotten to anything relevant to this</p> <p>3 case yet, and we are not going to</p> <p>4 agree to a second day.</p> <p>5 It's your time. You've got</p> <p>6 seven hours, and I advise you to use</p> <p>7 it appropriately.</p> <p>8 MS. SKIBITSKY: You're right,</p> <p>9 it's my time, and I'd ask you to stop</p> <p>10 wasting it.</p> <p>11 Q. Ms. Shiber, had you accepted the</p> <p>12 Compass offer, you would have been</p> <p>13 receiving \$85,000 a year in a salary;</p> <p>14 correct?</p> <p>15 MR. HELLER: Objection.</p> <p>16 THE WITNESS: I don't think I</p> <p>17 can say what I would have received had</p> <p>18 I accepted. Just accepting on offer</p> <p>19 doesn't mean I would have worked there</p> <p>20 the whole year. It doesn't mean I</p> <p>21 would have earned that exact amount.</p> <p>22 Q. Is there any reason for you to</p> <p>23 believe sitting here today that, if you</p> <p>24 had accepted the Compass offer, you</p> <p>25 wouldn't have worked at Compass for a</p>
<p style="text-align: right;">Page 147</p> <p>1 K. Shiber</p> <p>2 MS. SKIBITSKY: I'm going to ask</p> <p>3 you to stop, Brian. I need you to</p> <p>4 stop coaching the witness and with the</p> <p>5 speaking objections. It's not fair to</p> <p>6 this deposition.</p> <p>7 MR. HELLER: Your questions are</p> <p>8 incredibly inappropriate. You're now</p> <p>9 literally asking her to speculate on</p> <p>10 what she could have earned. You're</p> <p>11 basically making argument in the form</p> <p>12 of questions.</p> <p>13 MS. SKIBITSKY: Brian, you need</p> <p>14 to stop with the speaking objection.</p> <p>15 MR. HELLER: And you haven't even</p> <p>16 gotten to anything relevant to this.</p> <p>17 MS. SKIBITSKY: You need to stop</p> <p>18 with the speaking objections.</p> <p>19 MR. HELLER: These aren't</p> <p>20 speaking objections, Hope, this is me</p> <p>21 responding to you and your accusations</p> <p>22 that I'm making speaking objections.</p> <p>23 And I'm allowed to make my point on</p> <p>24 the record.</p> <p>25 I also want to note you haven't</p>	<p style="text-align: right;">Page 149</p> <p>1 K. Shiber</p> <p>2 year?</p> <p>3 MR. HELLER: Objection.</p> <p>4 Answer if you can.</p> <p>5 THE WITNESS: I can't speculate</p> <p>6 on how long I would have worked at</p> <p>7 Compass should I have accepted the</p> <p>8 offer.</p> <p>9 Q. What is the position that you</p> <p>10 were hired for for Compass?</p> <p>11 A. I wasn't hired for any position.</p> <p>12 Q. What was the position that you</p> <p>13 received an offer for from Compass?</p> <p>14 A. Revenue strategy and operations</p> <p>15 analyst.</p> <p>16 Q. And what did that position</p> <p>17 entail?</p> <p>18 A. From my understanding, it</p> <p>19 entailed analyzing revenue earned by the</p> <p>20 firm, analyzing the compensation structure</p> <p>21 that they used with their agents, and</p> <p>22 participating in directing the strategy of</p> <p>23 the company.</p> <p>24 Q. Is there a reason you haven't</p> <p>25 produced in this litigation the</p>

<p style="text-align: right;">Page 150</p> <p>1 K. Shiber</p> <p>2 spreadsheet itemizing what you've made</p> <p>3 selling your art?</p> <p>4 MR. HELLER: Objection.</p> <p>5 THE WITNESS: I produced the net</p> <p>6 outcome of that, which is my tax</p> <p>7 returns, tax filings.</p> <p>8 Q. Ms. Shiber, you were a double</p> <p>9 major at Dartmouth; right?</p> <p>10 A. Yes.</p> <p>11 Q. What were those majors?</p> <p>12 A. Quantitative social science and</p> <p>13 studio art.</p> <p>14 Q. What is studio art?</p> <p>15 A. Studio art is the practice of</p> <p>16 fine arts, such as photography, painting,</p> <p>17 drawing, sculpture.</p> <p>18 Q. And at some point in time you</p> <p>19 started applying to jobs; is that correct?</p> <p>20 Jobs for post graduation from Dartmouth.</p> <p>21 A. Yes.</p> <p>22 Q. Okay.</p> <p>23 Where did you apply?</p> <p>24 A. I applied to several firms and</p> <p>25 companies.</p>	<p style="text-align: right;">Page 152</p> <p>1 K. Shiber</p> <p>2 companies at the time that you were</p> <p>3 accepted by Centerview; is that correct?</p> <p>4 A. That's correct.</p> <p>5 Q. What sort of research did you do</p> <p>6 into what it was like to work at these big</p> <p>7 investment firms and companies that you</p> <p>8 identified?</p> <p>9 MR. HELLER: Objection.</p> <p>10 You can answer.</p> <p>11 MS. SKIBITSKY: Let me clarify</p> <p>12 the question.</p> <p>13 Q. At or around the time that you</p> <p>14 were applying for postgraduation</p> <p>15 employment, what research did you do into</p> <p>16 what it was like to work for big companies</p> <p>17 such as Centerview or Goldman Sachs?</p> <p>18 A. I spoke to employees and former</p> <p>19 interns at those firms. I read online on</p> <p>20 the companies' websites and on other</p> <p>21 websites about the roles and</p> <p>22 responsibilities and what it was like to</p> <p>23 work at those companies, and I -- yeah,</p> <p>24 that's the research that I did.</p> <p>25 Q. Do you recall anyone in</p>
<p style="text-align: right;">Page 151</p> <p>1 K. Shiber</p> <p>2 Q. Do you recall the names of any</p> <p>3 of those firms or companies?</p> <p>4 A. I recall the names of some but</p> <p>5 not all of them.</p> <p>6 Q. What were the ones that you</p> <p>7 recall?</p> <p>8 A. Centerview, Bank of America,</p> <p>9 Goldman Sachs, other banks, Wayfair,</p> <p>10 BlackRock. There were more, but I don't</p> <p>11 -- maybe more but I don't recall.</p> <p>12 Q. Setting aside Centerview, did</p> <p>13 you receive any offers of employment?</p> <p>14 A. I did not receive any other</p> <p>15 offers of employment for postgraduation</p> <p>16 jobs at that time.</p> <p>17 Q. You did not receive any other</p> <p>18 offers of employment while you were at</p> <p>19 Dartmouth for postgraduation jobs other</p> <p>20 than from Centerview; is that correct?</p> <p>21 A. Once I received the offer from</p> <p>22 Centerview, I withdrew my candidacy at the</p> <p>23 other firms and companies.</p> <p>24 Q. But you had not actually</p> <p>25 received an offer from the other firms and</p>	<p style="text-align: right;">Page 153</p> <p>1 K. Shiber</p> <p>2 particular who you spoke with about what</p> <p>3 it was like to work at any of these</p> <p>4 companies?</p> <p>5 A. I spoke to the interviewers of</p> <p>6 -- my connections at the -- the people I</p> <p>7 was speaking to in connection with</p> <p>8 potentially being employed at those</p> <p>9 companies. I spoke to -- I spoke to</p> <p>10 friends who were former interns at the</p> <p>11 firms. I spoke to professional mentor and</p> <p>12 former employer and prior co-workers.</p> <p>13 Q. Did you speak to any of these</p> <p>14 individuals about what the hours</p> <p>15 requirement might be at a firm like</p> <p>16 Centerview?</p> <p>17 A. Yes.</p> <p>18 Q. And what did -- do you have a</p> <p>19 specific recollection of any of the</p> <p>20 conversations with individuals that you</p> <p>21 just identified, or is it a general</p> <p>22 recollection of your conversations?</p> <p>23 A. I have specific recollections of</p> <p>24 some of them.</p> <p>25 Q. Okay.</p>

<p style="text-align: right;">Page 154</p> <p>1 K. Shiber</p> <p>2 So let's start with the specific</p> <p>3 recollections.</p> <p>4 Who do you specifically recall</p> <p>5 speaking to?</p> <p>6 A. I spoke to -- about Centerview</p> <p>7 or about all firms?</p> <p>8 Q. Who do you recall speaking to</p> <p>9 about the lifestyle and/or hours</p> <p>10 expectations of any investment bank?</p> <p>11 MR. HELLER: Objection.</p> <p>12 You can answer.</p> <p>13 THE WITNESS: I spoke to my</p> <p>14 friends who are former interns at</p> <p>15 several of them and I spoke to my -- a</p> <p>16 former employer.</p> <p>17 Q. Okay.</p> <p>18 What's the name of one of the</p> <p>19 friends who you spoke to?</p> <p>20 A. [REDACTED]</p> <p>21 Q. And did you and [REDACTED] speak</p> <p>22 about the expectations of investment banks</p> <p>23 or firms in terms of hours of availability</p> <p>24 or workflow or lifestyle?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 156</p> <p>1 K. Shiber</p> <p>2 Q. How do you know Mr. Susman?</p> <p>3 A. I worked for him during two</p> <p>4 different internships.</p> <p>5 Q. And can you tell me everything</p> <p>6 that you remember about your discussions</p> <p>7 with Mr. Susman about what it's like to</p> <p>8 work at a big firm?</p> <p>9 A. I remember he characterized</p> <p>10 different firms in different ways</p> <p>11 regarding the lifestyle that working there</p> <p>12 might require.</p> <p>13 Q. How did he characterize -- what</p> <p>14 are the different firms that he</p> <p>15 characterized?</p> <p>16 A. I don't recall the list</p> <p>17 exhaustively. We spoke about firms like</p> <p>18 Citibank, Bank of America, Centerview,</p> <p>19 Goldman, Evercore, Jefferies, Credit</p> <p>20 Suisse.</p> <p>21 Q. And what did Mr. Susman say</p> <p>22 about Citibank?</p> <p>23 A. I don't recall specifically what</p> <p>24 he said.</p> <p>25 Q. Do you recall generally what he</p>
<p style="text-align: right;">Page 155</p> <p>1 K. Shiber</p> <p>2 Q. And what is it that you spoke</p> <p>3 about? Can you tell me everything you</p> <p>4 recall about the conversations that you</p> <p>5 had with [REDACTED]?</p> <p>6 A. Yes.</p> <p>7 I recall that she told me that</p> <p>8 she didn't think that she had worked that</p> <p>9 late during the internship and typically</p> <p>10 ended around 10:00 or 10:30 p.m.</p> <p>11 Q. And who did [REDACTED] intern with?</p> <p>12 A. Centerview.</p> <p>13 Q. Did she tell you that the hours</p> <p>14 were unpredictable?</p> <p>15 A. I don't recall her saying that.</p> <p>16 Q. And she was an intern at</p> <p>17 Centerview; correct?</p> <p>18 A. She was an intern, yes.</p> <p>19 Q. And who else do you recall</p> <p>20 speaking to about the hours or lifestyle</p> <p>21 or expectations of an investment bank?</p> <p>22 A. I spoke to my former -- a former</p> <p>23 employer.</p> <p>24 Q. And who was that?</p> <p>25 A. William Susman.</p>	<p style="text-align: right;">Page 157</p> <p>1 K. Shiber</p> <p>2 said about Citibank?</p> <p>3 A. No.</p> <p>4 Q. Do you recall specifically or</p> <p>5 generally what Mr. Susman said about Bank</p> <p>6 of America?</p> <p>7 A. No.</p> <p>8 Q. Do you recall specifically or</p> <p>9 generally what Mr. Susman said about</p> <p>10 Centerview?</p> <p>11 A. Yes.</p> <p>12 Q. And what did Mr. Susman say</p> <p>13 about Centerview?</p> <p>14 A. He said -- this is not a quote,</p> <p>15 but he said that it was a great place to</p> <p>16 work and that it wasn't the sweatshop the</p> <p>17 way some other firms were and he thought</p> <p>18 that they had a great culture, that I</p> <p>19 would learn a ton during training, they</p> <p>20 had a lot of really smart people working</p> <p>21 there, they worked on interesting deals,</p> <p>22 you got a lot of exposure to interesting</p> <p>23 deals because it was a smaller firm</p> <p>24 compared to others but still worked on --</p> <p>25 worked on a lot of interesting and large</p>

<p style="text-align: right;">Page 158</p> <p>1 K. Shiber</p> <p>2 deals. He may have said more that I'm not</p> <p>3 remembering.</p> <p>4 Q. Do you recall specifically or</p> <p>5 generally what Mr. Susman said about</p> <p>6 Goldman?</p> <p>7 A. No.</p> <p>8 Q. How about do you recall</p> <p>9 specifically or generally what Mr. Susman</p> <p>10 said about Evercore?</p> <p>11 A. No.</p> <p>12 Q. Who else do you recall speaking</p> <p>13 to about what it was like to work at an</p> <p>14 investment bank?</p> <p>15 A. I spoke to some of the people</p> <p>16 who I was interviewing with at other</p> <p>17 firms. I spoke to my friend [REDACTED] as</p> <p>18 mentioned. I spoke to other friends who</p> <p>19 had worked at other firms as well.</p> <p>20 Q. What is it that you learned at a</p> <p>21 high level through your investigation and</p> <p>22 research about what it was like to work at</p> <p>23 an investment firm?</p> <p>24 MR. HELLER: Objection.</p> <p>25 You can answer.</p>	<p style="text-align: right;">Page 160</p> <p>1 K. Shiber</p> <p>2 learning that specifically.</p> <p>3 Q. Do you recall learning that</p> <p>4 working for an investment bank as a first</p> <p>5 year analyst was oftentimes difficult?</p> <p>6 A. I don't recall learning that.</p> <p>7 Q. Did you have an expectation when</p> <p>8 you were applying to investment banks that</p> <p>9 it would be an easy position to be a first</p> <p>10 year analyst at a large investment bank?</p> <p>11 A. No.</p> <p>12 Q. What was your expectation when</p> <p>13 you were applying to investment banks as</p> <p>14 to what being a first year analyst at one</p> <p>15 of -- at an investment bank would be like?</p> <p>16 A. Like I mentioned, I thought that</p> <p>17 it would be a great opportunity. I</p> <p>18 thought that I would work hard. I thought</p> <p>19 that I would learn a lot about how</p> <p>20 companies operate, how they make</p> <p>21 decisions, how they raise money, how they</p> <p>22 determine whether or not to buy another</p> <p>23 company or sell themselves. I thought</p> <p>24 that I would participate and contribute to</p> <p>25 a variety of projects and deals with other</p>
<p style="text-align: right;">Page 159</p> <p>1 K. Shiber</p> <p>2 THE WITNESS: I learned that it</p> <p>3 was a very interesting role and</p> <p>4 opportunity. I learned that you</p> <p>5 worked on deals and projects related</p> <p>6 to a variety of different companies</p> <p>7 and their business dealings or capital</p> <p>8 raises, M&A activity, that you would</p> <p>9 do a variety of tasks including</p> <p>10 research and financial modeling and</p> <p>11 preparing presentations and decks;</p> <p>12 that it could be a good place to start</p> <p>13 your career, learn a lot about</p> <p>14 financial services and become really</p> <p>15 knowledgeable and set you up for a</p> <p>16 career in financial services</p> <p>17 long-term.</p> <p>18 Q. And did you learn that jobs at</p> <p>19 investment banks were demanding for first</p> <p>20 year analysts?</p> <p>21 A. Can you define "demanding",</p> <p>22 please?</p> <p>23 Q. Stressful.</p> <p>24 MR. HELLER: Objection to form.</p> <p>25 THE WITNESS: I don't recall</p>	<p style="text-align: right;">Page 161</p> <p>1 K. Shiber</p> <p>2 different companies and firms.</p> <p>3 Q. Did you anticipate that the</p> <p>4 hours would be long?</p> <p>5 A. Can you define "long", please?</p> <p>6 Q. Did you think that you would be</p> <p>7 working a 9:00 to 5:00 if you started</p> <p>8 working for an investment bank?</p> <p>9 A. No.</p> <p>10 Q. What did you think your hours</p> <p>11 would be if you started working for an</p> <p>12 investment bank?</p> <p>13 A. I don't think I can say exactly</p> <p>14 what I thought at the time of what my</p> <p>15 hours would be.</p> <p>16 Q. Did you have a general sense</p> <p>17 that you could be working very late some</p> <p>18 nights?</p> <p>19 A. Can you define "very late"?</p> <p>20 Q. Well, [REDACTED] told you that she</p> <p>21 worked until 10:30 sometimes at</p> <p>22 Centerview; right?</p> <p>23 A. Yes.</p> <p>24 Q. Did you have an expectation</p> <p>25 that, as a baseline, you could be working</p>

<p style="text-align: right;">Page 162</p> <p>1 K. Shiber</p> <p>2 until 10:30 p.m. some nights while at</p> <p>3 Centerview?</p> <p>4 A. Yes.</p> <p>5 Q. Do you consider 10:30 p.m. very</p> <p>6 late?</p> <p>7 A. I think it depends on the</p> <p>8 context.</p> <p>9 Q. Did [REDACTED] tell you --</p> <p>10 MS. SKIBITSKY: Strike that.</p> <p>11 Q. You interviewed with Centerview</p> <p>12 in August of 2019, is that correct, your</p> <p>13 first interview?</p> <p>14 A. Yes.</p> <p>15 Q. And that was a phone interview?</p> <p>16 A. Yes.</p> <p>17 Q. Do you recall who you</p> <p>18 interviewed with?</p> <p>19 A. [REDACTED] I believe.</p> <p>20 Q. And did you have any discussions</p> <p>21 with [REDACTED] about what it was like to</p> <p>22 work at Centerview?</p> <p>23 A. I don't recall exactly.</p> <p>24 Q. Did you discuss with [REDACTED]</p> <p>25 about what your hours at Centerview might</p>	<p style="text-align: right;">Page 164</p> <p>1 K. Shiber</p> <p>2 A. Yes.</p> <p>3 Q. To yourself and William Susman</p> <p>4 at Threadstone.</p> <p>5 That's the Mr. Susman we've been</p> <p>6 speaking about?</p> <p>7 A. Yes.</p> <p>8 Q. Okay.</p> <p>9 And you write, "hi, attached is</p> <p>10 a timeline of what I can remember right</p> <p>11 now about all of my interactions with this</p> <p>12 firm".</p> <p>13 Do you recall preparing a</p> <p>14 timeline about what you can remember about</p> <p>15 your interactions with Centerview?</p> <p>16 A. Yes.</p> <p>17 Q. When did you do that?</p> <p>18 A. I did that after I had been</p> <p>19 terminated and cried and freaked out about</p> <p>20 the situation and I spoke to -- and after</p> <p>21 I spoke to Mr. Susman is when I prepared</p> <p>22 it, that same night.</p> <p>23 Q. Did Mr. Susman suggest that you</p> <p>24 prepare a timeline like this?</p> <p>25 A. Yes.</p>
<p style="text-align: right;">Page 163</p> <p>1 K. Shiber</p> <p>2 look like?</p> <p>3 A. I don't recall.</p> <p>4 (Whereupon, an e-mail dated</p> <p>5 September 15, 2020 was marked</p> <p>6 Defendant's Exhibit 8</p> <p>7 for identification.)</p> <p>8 Q. Ms. Shiber, [REDACTED] was a summer</p> <p>9 intern when you spoke with her, right,</p> <p>10 about her experience at Centerview?</p> <p>11 A. I don't think she was actively</p> <p>12 an intern at the time I spoke to her.</p> <p>13 Q. But her experience at Centerview</p> <p>14 had been as an intern rather than as a</p> <p>15 first year analyst; correct?</p> <p>16 A. Yes.</p> <p>17 Q. Okay.</p> <p>18 Ms. Shiber, do you recognize</p> <p>19 what's been marked as Exhibit 8?</p> <p>20 A. Yep.</p> <p>21 Q. So this is a document that you</p> <p>22 produced in this litigation that begins</p> <p>23 with Bates stamp Shiber 105. And it's an</p> <p>24 e-mail from kshiber@gmail.com.</p> <p>25 Is that you?</p>	<p style="text-align: right;">Page 165</p> <p>1 K. Shiber</p> <p>2 Q. Is this -- is everything in this</p> <p>3 timeline then -- it looks like you sent it</p> <p>4 on September 15, 2020 at 11:19 p.m.</p> <p>5 Is it fair to say that this</p> <p>6 timeline captures everything you remember</p> <p>7 specifically about your interactions with</p> <p>8 Centerview?</p> <p>9 MR. HELLER: Objection.</p> <p>10 THE WITNESS: I think this is</p> <p>11 part of what I remember about my</p> <p>12 interactions with the firm but is not</p> <p>13 necessarily exhaustive of everything</p> <p>14 that I remember.</p> <p>15 Q. Okay.</p> <p>16 Then let's look at the timeline</p> <p>17 that's attached. And you write, "timeline</p> <p>18 of my interactions with Centerview</p> <p>19 Partners" and underneath you write, "to</p> <p>20 the best of my current memory at 11:00</p> <p>21 p.m. on 9/15 with no access to e-mails or</p> <p>22 any firm contacts or call records.</p> <p>23 Apologies for subjective emotional</p> <p>24 content. I tried to write this out as</p> <p>25 soon as possible to best preserve the</p>

<p style="text-align: right;">Page 166</p> <p>1 K. Shiber</p> <p>2 memory, so I was not able to edit it all</p> <p>3 out in the recollection".</p> <p>4 Do you see that?</p> <p>5 A. Yes.</p> <p>6 Q. So is it fair to say that this</p> <p>7 document is the best preservation of the</p> <p>8 memories you have from your time at</p> <p>9 Centerview?</p> <p>10 A. Could you define "best</p> <p>11 preparation" [sic], please?</p> <p>12 Q. Sure.</p> <p>13 Given that you prepared this</p> <p>14 document on September 15, 2020, would any</p> <p>15 significant --</p> <p>16 MS. SKIBITSKY: Strike that.</p> <p>17 Q. Let's look at the third -- the</p> <p>18 third bullet point down in your timeline.</p> <p>19 Actually, let's look at the second bullet</p> <p>20 point.</p> <p>21 You write, "I had a</p> <p>22 thirty-minute technical phone interview</p> <p>23 with analyst CJ" and then last name in</p> <p>24 brackets "in August, 2019. I then had a</p> <p>25 three-round super day in September, 2019</p>	<p style="text-align: right;">Page 168</p> <p>1 K. Shiber</p> <p>2 THE WITNESS: I don't think I</p> <p>3 can answer that question.</p> <p>4 Q. Well, you write, "none of my</p> <p>5 interviews detailed the exact hours</p> <p>6 bankers were expected or required to</p> <p>7 work"; right?</p> <p>8 A. Yes.</p> <p>9 Q. So was it your expectation that</p> <p>10 the interviewer should have detailed exact</p> <p>11 hours that bankers were expected or</p> <p>12 required to work at Centerview?</p> <p>13 A. I think in writing this, I was</p> <p>14 trying to say that I felt that I was</p> <p>15 terminated for not working a specific set</p> <p>16 of specific set of expected or required</p> <p>17 hours but those expected or required hours</p> <p>18 were not given to me throughout the</p> <p>19 interview process.</p> <p>20 Q. And would you agree with me that</p> <p>21 there really are no exact hours that</p> <p>22 bankers at Centerview are expected to</p> <p>23 work?</p> <p>24 A. I don't think I would agree with</p> <p>25 that.</p>
<p style="text-align: right;">Page 167</p> <p>1 K. Shiber</p> <p>2 with two technical interviewers I do not</p> <p>3 recall the names of, CEO Robert Pruzan and</p> <p>4 [REDACTED] for behavioral round and</p> <p>5 Tony Kim and a third year analyst for a</p> <p>6 brain teaser round".</p> <p>7 Do you see that?</p> <p>8 A. Yes.</p> <p>9 Q. And then you write, "none of my</p> <p>10 interviews detailed the exact hours</p> <p>11 bankers were expected or required to</p> <p>12 work."</p> <p>13 Did any of your -- is it the</p> <p>14 case that none of your interviews detailed</p> <p>15 the exact hours bankers were expected or</p> <p>16 required to work?</p> <p>17 A. Yes, that's the case.</p> <p>18 Q. Did any of your interviews</p> <p>19 detail in general the hours expectations</p> <p>20 of the job?</p> <p>21 A. No.</p> <p>22 Q. Do you think that there are</p> <p>23 exact hours that bankers are expected to</p> <p>24 work at a firm like Centerview?</p> <p>25 MR. HELLER: Objection.</p>	<p style="text-align: right;">Page 169</p> <p>1 K. Shiber</p> <p>2 Q. What wouldn't you agree with</p> <p>3 that? Why wouldn't you agree with that?</p> <p>4 A. When I was terminated, I was</p> <p>5 told that due to the accommodations that</p> <p>6 Centerview had put in place saying I was</p> <p>7 available at specific hours, I was told</p> <p>8 those accommodations don't work because</p> <p>9 they can't accommodate someone who's not</p> <p>10 available specific hours, so clearly</p> <p>11 there's some sort of expectation about</p> <p>12 when people are required to be available.</p> <p>13 Q. Were you told Centerview can't</p> <p>14 accommodate people who are not available</p> <p>15 during specific hours?</p> <p>16 MR. HELLER: Objection to form.</p> <p>17 THE WITNESS: I was told that</p> <p>18 the accommodations that Centerview had</p> <p>19 put in place about specific hours were</p> <p>20 not working.</p> <p>21 Q. Okay.</p> <p>22 And you would agree with me that</p> <p>23 there was no exact hours that Centerview</p> <p>24 bankers were expected to work? When I say</p> <p>25 exact, I mean from X time to Y time.</p>

<p style="text-align: right;">Page 170</p> <p>1 K. Shiber</p> <p>2 A. I don't think I agree with that</p> <p>3 statement.</p> <p>4 Q. Why don't you agree with that</p> <p>5 statement?</p> <p>6 A. Because with the accommodations</p> <p>7 that they put in place, if I wasn't</p> <p>8 available from 12:00 a.m. to 9:00 a.m. and</p> <p>9 that wasn't working, then there must have</p> <p>10 been an expectation that I would have been</p> <p>11 available during those times.</p> <p>12 Q. In your timeline in the fifth</p> <p>13 bullet point down you say, "I signed and</p> <p>14 returned all paperwork promptly and was</p> <p>15 extremely exited at this, as this was my</p> <p>16 dream opportunity".</p> <p>17 Do you see that?</p> <p>18 A. Yes.</p> <p>19 Q. You say, "I ended communications</p> <p>20 and multiple other recruiting processes,</p> <p>21 passing up on those that gave me job</p> <p>22 offers or those near completion which I</p> <p>23 perceived as likely to end in positive</p> <p>24 offers including".</p> <p>25 Do you see that?</p>	<p style="text-align: right;">Page 172</p> <p>1 K. Shiber</p> <p>2 You note, "I was staffed on a healthcare</p> <p>3 pharma account which was in an account</p> <p>4 maintenance phase. There was not much</p> <p>5 required work. My primary contact was</p> <p>6 associate [REDACTED] I completed all</p> <p>7 tasks which I was asked to do, I received</p> <p>8 standard comments regarding formatting of</p> <p>9 slides, et cetera, as well as praise such</p> <p>10 as nice work on this".</p> <p>11 Do you recall in general the</p> <p>12 hours that you were working when you were</p> <p>13 staffed on this healthcare pharma account?</p> <p>14 A. I think when I was staffed on</p> <p>15 that account, I was working about forty</p> <p>16 hours to fifty hours per week.</p> <p>17 [REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p>
<p style="text-align: right;">Page 171</p> <p>1 K. Shiber</p> <p>2 A. Yes.</p> <p>3 Q. But the statement that you</p> <p>4 passed up on job offers is not true;</p> <p>5 right?</p> <p>6 A. Well, I would disagree with</p> <p>7 that. By withdrawing my candidacy, I</p> <p>8 passed up on job offers that could have</p> <p>9 happened.</p> <p>10 Q. Well, you write it here as if</p> <p>11 you had received a job offer, passing up</p> <p>12 on those that gave me job offers; right?</p> <p>13 No one gave you a job offer other than</p> <p>14 Centerview?</p> <p>15 A. To my recollection, no one gave</p> <p>16 me a job offer except Centerview.</p> <p>17 Q. Why did you tell Mr. Susman that</p> <p>18 you passed up on job offers if that wasn't</p> <p>19 true?</p> <p>20 A. I don't know why.</p> <p>21 Q. And then you go on to detail</p> <p>22 what your experience was like according to</p> <p>23 you while you were employed at Centerview.</p> <p>24 So let's look at the last bullet</p> <p>25 point on this first page at Shiber 106.</p>	<p style="text-align: right;">Page 173</p> <p>1 K. Shiber</p> <p>2 [REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>8 Q. Okay.</p> <p>9 And then the next week you were</p> <p>10 staffed on an additional account, a</p> <p>11 media/tech account.</p> <p>12 Do you recall that?</p> <p>13 A. I don't recall that staffing.</p> <p>14 Q. Okay.</p> <p>15 You go on to say, "my primary</p> <p>16 contact was [REDACTED] [sic]", and you</p> <p>17 have an SP question mark in brackets. "My</p> <p>18 assignment was to research the firm and</p> <p>19 previous materials, but it was also in a</p> <p>20 stagnant mode, so I was not required to do</p> <p>21 much".</p> <p>22 Do you see that?</p> <p>23 A. Yes.</p> <p>24 Q. So the following week it sounds</p> <p>25 like was also somewhat of a low key week</p>

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<p style="text-align: right;">Page 174</p> <p>1 K. Shiber</p> <p>2 at Centerview; correct?</p> <p>3 A. In my experience with the work</p> <p>4 that was assigned, it seemed low key at</p> <p>5 that time, yes.</p> <p>6 Q. And you were not told that there</p> <p>7 are exact hours that you need to be</p> <p>8 working during these -- during these</p> <p>9 assignments that you were staffed on;</p> <p>10 correct? These being the two that we just</p> <p>11 discussed.</p> <p>12 A. I was not told exact hours.</p> <p>13 Q. Okay.</p> <p>14 And then you write, "two weeks</p> <p>15 later I was assigned to a live situation,</p> <p>16 a utility account facing both an</p> <p>17 unsolicited strategic bid and an activist</p> <p>18 approach".</p> <p>19 Do you see that?</p> <p>20 A. Yes.</p> <p>21 Q. Do you recall this account?</p> <p>22 A. Yes.</p> <p>23 [REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p>	<p style="text-align: right;">Page 176</p> <p>1 K. Shiber</p> <p>2 was that you were working on in connection</p> <p>3 with the live situation? I don't need to</p> <p>4 know client name. I'm just trying to</p> <p>5 understand what does it mean to be working</p> <p>6 on a live situation, a utility account</p> <p>7 facing both an unsolicited strategic bid</p> <p>8 and an activist approach? What does that</p> <p>9 mean?</p> <p>10 A. Yeah, our client was a utility</p> <p>11 provider and they had recently received a</p> <p>12 bid from another utility provider to</p> <p>13 purchase them and they also had activist</p> <p>14 investor within the company who was buying</p> <p>15 up shares and trying to make certain --</p> <p>16 make the company act in their interest.</p> <p>17 Q. And do you recall that this was</p> <p>18 potentially the biggest M&A deal ever?</p> <p>19 A. That's what I recall someone</p> <p>20 mentioning.</p> <p>21 Q. And so what was it that your</p> <p>22 team specifically was doing on behalf of</p> <p>23 your client to help them with this live</p> <p>24 situation?</p> <p>25 A. We were doing a variety of</p>
<p style="text-align: right;">Page 175</p> <p>1 K. Shiber</p> <p>2 [REDACTED]</p> <p>3 [REDACTED]</p> <p>4 [REDACTED]</p> <p>5 [REDACTED]</p> <p>6 Q. And you write, "this account was</p> <p>7 much busier than the previous account</p> <p>8 assigned. This deal was referred to as</p> <p>9 'the most interesting thing anyone is</p> <p>10 working on right now' and 'potentially the</p> <p>11 biggest M&A deal ever should it go</p> <p>12 through".</p> <p>13 Do you see that?</p> <p>14 A. Yes.</p> <p>15 Q. Do you recall being excited</p> <p>16 about being placed on this account?</p> <p>17 A. I had mixed feelings about being</p> <p>18 placed at first. I was not extremely</p> <p>19 excited, I was not particularly interested</p> <p>20 in utilities. But as I learned more about</p> <p>21 the account and as people -- about the</p> <p>22 situation and as people were talking about</p> <p>23 it, I was definitely excited to be working</p> <p>24 on it.</p> <p>25 Q. Can you explain to me what it</p>	<p style="text-align: right;">Page 177</p> <p>1 K. Shiber</p> <p>2 different pieces of analysis to</p> <p>3 essentially determine whether the -- going</p> <p>4 through with the purchase or what the</p> <p>5 demands that the activist investor had</p> <p>6 were in the best interest of the</p> <p>7 shareholders of that company. It was a</p> <p>8 public company. So we were doing research</p> <p>9 and analysis to support the advice that</p> <p>10 the firm was going to give.</p> <p>11 Q. And was there a deadline by</p> <p>12 which you had to --</p> <p>13 MS. SKIBITSKY: Strike that.</p> <p>14 Q. What was the ultimate work</p> <p>15 product or report that had to be produced</p> <p>16 or disclosed or recommended to the client?</p> <p>17 Was there something that you were</p> <p>18 ultimately working towards?</p> <p>19 A. I don't know the exact bigger</p> <p>20 picture of everything that we were working</p> <p>21 towards. We were working on materials to</p> <p>22 share with I believe the executives of the</p> <p>23 company as well as the shareholders.</p> <p>24 Q. Did you have a deadline by which</p> <p>25 those materials needed to be shared?</p>

45 (Pages 174 - 177)

<p style="text-align: right;">Page 178</p> <p>1 K. Shiber</p> <p>2 A. I don't recall.</p> <p>3 Q. Do you recall the team working</p> <p>4 to meet a deadline?</p> <p>5 A. I think there were multiple</p> <p>6 checkpoints throughout the process that</p> <p>7 the team was working towards meeting.</p> <p>8 Q. And each of the checkpoints was</p> <p>9 there for a specific reason; is that</p> <p>10 correct?</p> <p>11 A. I don't -- I don't know. I was</p> <p>12 a first year analyst on the deal. I don't</p> <p>13 know why each checkpoint was in place.</p> <p>14 Q. And you were reporting to Matt</p> <p>15 Gallea and Tim Ernst on this live deal;</p> <p>16 right?</p> <p>17 A. Yes, along with other people on</p> <p>18 the deal.</p> <p>19 Q. You write in the middle of the</p> <p>20 page -- it's a long paragraph -- "in the</p> <p>21 second week of working on this deal, the</p> <p>22 time-based expectations ramped up</p> <p>23 significantly".</p> <p>24 Do you recall that happening?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 180</p> <p>1 K. Shiber</p> <p>2 A. I don't know.</p> <p>3 Q. This was a live situation;</p> <p>4 correct?</p> <p>5 MR. HELLER: Objection.</p> <p>6 THE WITNESS: Yes.</p> <p>7 Q. What does that mean that it was</p> <p>8 a live situation?</p> <p>9 A. To me it meant that we were</p> <p>10 advising them on a specific situation that</p> <p>11 they were -- needed to respond to as</p> <p>12 opposed to other projects like the ones we</p> <p>13 previously discussed where it was account</p> <p>14 management and seemed to me to be more of</p> <p>15 a relationship maintenance type of phase.</p> <p>16 Q. So the client in this live</p> <p>17 situation was looking for advice from</p> <p>18 Centerview with respect to a situation</p> <p>19 that needed to be handled or addressed,</p> <p>20 and that situation presumably being this</p> <p>21 activist investor who wanted some sort of</p> <p>22 involvement in the M&A deal; is that</p> <p>23 correct?</p> <p>24 A. I believe so.</p> <p>25 Q. And you write, "two or three</p>
<p style="text-align: right;">Page 179</p> <p>1 K. Shiber</p> <p>2 Q. Do you know why the time-based</p> <p>3 expectations ramped up significantly</p> <p>4 during that second week of the deal?</p> <p>5 A. No.</p> <p>6 Q. Was there a deadline by which a</p> <p>7 project or a piece of the deal -- piece of</p> <p>8 the work that you were doing had to be</p> <p>9 done?</p> <p>10 A. I knew that we were working on</p> <p>11 preparing materials for specific meetings</p> <p>12 with the client. I didn't necessarily</p> <p>13 know exactly which part of the work</p> <p>14 product had to be done by which meeting or</p> <p>15 when those meetings were.</p> <p>16 Q. And working on an M&A deal is by</p> <p>17 nature time-sensitive; correct?</p> <p>18 MR. HELLER: Objection.</p> <p>19 THE WITNESS: I don't know that</p> <p>20 it is.</p> <p>21 Q. Why don't you -- do you not</p> <p>22 thinking that working -- do you not think</p> <p>23 that M&A deals are time-sensitive or do</p> <p>24 you not know that working on an M&A deal</p> <p>25 is time-sensitive?</p>	<p style="text-align: right;">Page 181</p> <p>1 K. Shiber</p> <p>2 days in a row I worked from 7:30 a.m. to</p> <p>3 2:00 a.m."</p> <p>4 Do you see that?</p> <p>5 A. Yes.</p> <p>6 Q. "At that time I logged off my</p> <p>7 computer and went to sleep, as I believed</p> <p>8 my tasks for the evening were complete".</p> <p>9 Do you see that?</p> <p>10 A. Yes.</p> <p>11 Q. Do you whether at that time the</p> <p>12 other teammates logged off of their</p> <p>13 computers?</p> <p>14 A. At that time I did not know.</p> <p>15 Q. You write, "during this time,</p> <p>16 both Tim and Matt and possibly some other</p> <p>17 team members who I did not have as close</p> <p>18 interactions with worked until between</p> <p>19 4:00 a.m. and 8:00 a.m., at which point</p> <p>20 the next day's meetings and tasks would</p> <p>21 start".</p> <p>22 Do you see that?</p> <p>23 A. Yes.</p> <p>24 Q. The members of the team that you</p> <p>25 were on were working until 4:00 or 8:00</p>

<p style="text-align: right;">Page 182</p> <p>1 K. Shiber</p> <p>2 a.m. because they needed to get the</p> <p>3 project done; right? It was not that they</p> <p>4 decided that they wanted to stay up</p> <p>5 working until 4:00 or 8:00 a.m. because</p> <p>6 they just didn't want to sleep at night;</p> <p>7 is that accurate?</p> <p>8 MR. HELLER: Objection.</p> <p>9 THE WITNESS: I can't say their</p> <p>10 motivations for anything that they</p> <p>11 did.</p> <p>12 Q. Do you believe that your team</p> <p>13 members on this live situation desired to</p> <p>14 be working at 4:00 a.m.?</p> <p>15 MR. HELLER: Objection.</p> <p>16 THE WITNESS: I can't say what</p> <p>17 -- I don't know what they desired.</p> <p>18 Q. You can't say whether you</p> <p>19 believe that the teammates that you worked</p> <p>20 with wanted to be working up to 4:00 a.m.</p> <p>21 or 8:00 a.m.?</p> <p>22 MR. HELLER: Objection. Asked</p> <p>23 and answered.</p> <p>24 THE WITNESS: I can't say.</p> <p>25 MS. SKIBITSKY: Can we look at</p>	<p style="text-align: right;">Page 184</p> <p>1 K. Shiber</p> <p>2 the bottom of the first page.</p> <p>3 And this is from August 28,</p> <p>4 2020, and the subject is Dragon.</p> <p>5 Do you see that?</p> <p>6 A. Yes.</p> <p>7 Q. Dragon is the code name for the</p> <p>8 live deal you were working on; is that</p> <p>9 right?</p> <p>10 A. Yes.</p> <p>11 Q. And Tim writes, "Kate, can you</p> <p>12 go through and pull all the titles and</p> <p>13 footnotes that we have in our current CVP</p> <p>14 format into the Dragon slides"; right?</p> <p>15 A. Yes.</p> <p>16 Q. And then he writes, "we should</p> <p>17 also talk today generally about</p> <p>18 expectations on communication and</p> <p>19 expectations for a live project like</p> <p>20 this".</p> <p>21 Do you see that?</p> <p>22 A. Yes.</p> <p>23 Q. "Matt and I shouldn't be up</p> <p>24 alone working. We are a team and will</p> <p>25 need everyone on the same page pulling</p>
<p style="text-align: right;">Page 183</p> <p>1 K. Shiber</p> <p>2 tab eleven. This is going to be</p> <p>3 Exhibit 9.</p> <p>4 (Whereupon, an e-mail dated</p> <p>5 August 28, 2020 was marked Defendant's</p> <p>6 Exhibit 9 for identification.)</p> <p>7 Q. Okay.</p> <p>8 Ms. Shiber, do you have an</p> <p>9 e-mail in front of you with the top</p> <p>10 message from Timothy Ernst to William</p> <p>11 Stewart --</p> <p>12 A. Yes.</p> <p>13 Q. -- at August 28, 2020?</p> <p>14 A. Yes.</p> <p>15 Q. Okay.</p> <p>16 Do you recognize this e-mail</p> <p>17 chain?</p> <p>18 A. I recognize the -- not the top</p> <p>19 part from Tim to Will Stewart, but I</p> <p>20 recognize the rest.</p> <p>21 Q. And for the record, this</p> <p>22 document bears Bates stamp</p> <p>23 Centerview 000162.</p> <p>24 Let's look at the first in time</p> <p>25 e-mail, which is the e-mail that starts on</p>	<p style="text-align: right;">Page 185</p> <p>1 K. Shiber</p> <p>2 their weight".</p> <p>3 Do you see that?</p> <p>4 A. Yes.</p> <p>5 Q. "Things may come up and you</p> <p>6 aren't able to get to/finish stuff, but I</p> <p>7 need to know that and can help out".</p> <p>8 Do you see that?</p> <p>9 A. Yes.</p> <p>10 Q. "It's not helpful to think you</p> <p>11 are working on stuff and then realize it's</p> <p>12 not done. Let's plan to talk in the</p> <p>13 afternoon to make sure we are aligned".</p> <p>14 Do you see that?</p> <p>15 A. Yes.</p> <p>16 Q. How did you feel when you</p> <p>17 received that e-mail?</p> <p>18 A. I felt -- I felt embarrassed and</p> <p>19 upset and shame, like I was in trouble.</p> <p>20 Q. And did you understand, when you</p> <p>21 received that e-mail, that Tim and Matt</p> <p>22 did not, in fact, want to be up working as</p> <p>23 late as they were that night?</p> <p>24 A. Sorry, can you define "want to</p> <p>25 be working"?</p>

<p style="text-align: right;">Page 186</p> <p>1 K. Shiber</p> <p>2 Q. Sure.</p> <p>3 Do you think that Tim and Matt</p> <p>4 were happy about the fact that they were</p> <p>5 up working on this Dragon deal at night</p> <p>6 and that you were not working with them?</p> <p>7 A. I can't say what they felt when</p> <p>8 they were working.</p> <p>9 Q. Okay.</p> <p>10 So you respond to Tim's e-mail;</p> <p>11 right?</p> <p>12 A. Yes.</p> <p>13 Q. And then Tim responds to your</p> <p>14 e-mail and he responds, "sure, and I know</p> <p>15 you are just seeing it" --</p> <p>16 MS. SKIBITSKY: Strike that.</p> <p>17 Q. Tim writes, "sure, and I know</p> <p>18 you are just starting so it will be</p> <p>19 helpful to talk. One part of this job,</p> <p>20 and the worst part of this job, is many</p> <p>21 times you can't get ahead of things or</p> <p>22 work through things early because there</p> <p>23 will always be more for you to do. Late</p> <p>24 nights are just part of the job,</p> <p>25 especially on a live deal like this".</p>	<p style="text-align: right;">Page 188</p> <p>1 K. Shiber</p> <p>2 Q. So reading this, you understand</p> <p>3 that, as a first year analyst, the</p> <p>4 comments that you were receiving on your</p> <p>5 work product did need to be addressed</p> <p>6 before you could log off; correct?</p> <p>7 A. Yes. And at the time I thought</p> <p>8 that I had finished addressing the</p> <p>9 comments that were provided before logging</p> <p>10 off.</p> <p>11 Q. And Tim goes on to write, "when</p> <p>12 I was first starting, I wasn't sure if I</p> <p>13 was done or not, I would always</p> <p>14 e-mail/Jabber my associate/analyst to make</p> <p>15 sure there was nothing else for me to be</p> <p>16 doing or if I was done for the night. I</p> <p>17 think you'll get the hang of it, but in</p> <p>18 general, the finish line is always going</p> <p>19 to be moving, so we can't just wake up</p> <p>20 with a clear task of three things we need</p> <p>21 to do. It will change hour by hour".</p> <p>22 Do you see that?</p> <p>23 A. Yes.</p> <p>24 Q. And did you have an</p> <p>25 understanding based on Tim's e-mail here</p>
<p style="text-align: right;">Page 187</p> <p>1 K. Shiber</p> <p>2 Do you see that?</p> <p>3 A. Yes.</p> <p>4 Q. And so reading this paragraph,</p> <p>5 do you now understand that Tim's position</p> <p>6 is late nights are not ideal but it's part</p> <p>7 of the job?</p> <p>8 MR. HELLER: Objection.</p> <p>9 THE WITNESS: I mean, he doesn't</p> <p>10 say it's not ideal. He does say it's</p> <p>11 part of the job.</p> <p>12 Q. And he does say, "one part of</p> <p>13 this job and the worst part of this job is</p> <p>14 many times you can't get ahead of things</p> <p>15 or work through things early"; correct?</p> <p>16 A. Yes, he does say that.</p> <p>17 Q. Okay.</p> <p>18 He then writes, "in general,</p> <p>19 when you are fished, let me or Matt know</p> <p>20 and we will take a look because we will</p> <p>21 definitely have comments. Just part of</p> <p>22 being a first year. And then those need</p> <p>23 to be finished before signing off".</p> <p>24 Do you see that?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 189</p> <p>1 K. Shiber</p> <p>2 and also based on your experience working</p> <p>3 on this live deal that it was the case, in</p> <p>4 fact, that the finish line was always</p> <p>5 going to be moving?</p> <p>6 A. I did understand based on this</p> <p>7 e-mail that it was the case that the</p> <p>8 finish line was always going to be moving.</p> <p>9 Q. And finally, Tim says, "trust</p> <p>10 me, we don't want to be working late</p> <p>11 either"; right?</p> <p>12 A. Yes.</p> <p>13 Q. So you would now agree that Tim</p> <p>14 and Matt did not, in fact, want to be</p> <p>15 working until 4:00 or 8:00 a.m.; correct?</p> <p>16 MR. HELLER: Objection.</p> <p>17 THE WITNESS: That's what he</p> <p>18 says in this e-mail. I can't say how</p> <p>19 he felt.</p> <p>20 Q. You have no reason to think that</p> <p>21 he was lying in this e-mail; do you?</p> <p>22 MR. HELLER: Objection.</p> <p>23 THE WITNESS: I can't say</p> <p>24 whether he was lying or not.</p> <p>25 Q. Okay.</p>

<p style="text-align: right;">Page 190</p> <p>1 K. Shiber</p> <p>2 Do you have any reason to think</p> <p>3 he was lying in this e-mail when he said,</p> <p>4 "trust me, we don't want to be working</p> <p>5 late either"?</p> <p>6 MR. HELLER: Objection. Asked</p> <p>7 and answered seconds ago.</p> <p>8 THE WITNESS: I don't think I</p> <p>9 can say anything about his intentions</p> <p>10 in this line.</p> <p>11 Q. That's not what I'm asking. I'm</p> <p>12 just asking if you have a reason to think</p> <p>13 he would lie to you in this e-mail.</p> <p>14 MR. HELLER: Objection.</p> <p>15 THE WITNESS: I'm just trying to</p> <p>16 say I think there's a difference</p> <p>17 between me having -- I can't say why</p> <p>18 he wrote what he wrote, so I don't</p> <p>19 know if he was lying, if he was not</p> <p>20 lying. I can't say if I had any</p> <p>21 reason to -- at the time to think</p> <p>22 anything about his intentions.</p> <p>23 Q. Okay.</p> <p>24 So to read the whole line, he</p> <p>25 says, "trust me, we don't want to be</p>	<p style="text-align: right;">Page 192</p> <p>1 K. Shiber</p> <p>2 late nights on this deal?</p> <p>3 A. I was very concerned about the</p> <p>4 prospect of having many late nights on</p> <p>5 this deal defined as working later than I</p> <p>6 had signed off working, as he's saying,</p> <p>7 and I was worried about how that would</p> <p>8 interfere with my need for sleep and to</p> <p>9 manage my symptoms as part of my</p> <p>10 disability.</p> <p>11 Q. Were you surprised to see Tim</p> <p>12 explaining to you that there were going to</p> <p>13 be many late nights on this deal?</p> <p>14 MR. HELLER: Strike that.</p> <p>15 Q. Were you surprised to hear from</p> <p>16 Tim that there were going to be many late</p> <p>17 nights on this deal?</p> <p>18 MR. HELLER: Objection.</p> <p>19 THE WITNESS: I don't recall if</p> <p>20 I was surprised.</p> <p>21 Q. After you received this e-mail</p> <p>22 where Tim said, "there will be many late</p> <p>23 nights on this deal", was working at</p> <p>24 Centerview still your dream job?</p> <p>25 A. Yes.</p>
<p style="text-align: right;">Page 191</p> <p>1 K. Shiber</p> <p>2 working late either, and if we don't need</p> <p>3 to be, we won't. But there will be many</p> <p>4 late nights on this".</p> <p>5 Do you see that?</p> <p>6 A. Yes.</p> <p>7 Q. Okay.</p> <p>8 So it is the case, at least</p> <p>9 according to your supervisor, Tim, that he</p> <p>10 was working late because he needed to be,</p> <p>11 correct, not because he desired to be</p> <p>12 working late?</p> <p>13 MR. HELLER: Objection. Asked</p> <p>14 and answered. This will be the last</p> <p>15 time.</p> <p>16 You can answer it if you can.</p> <p>17 THE WITNESS: Like I said, I</p> <p>18 don't know what he truly wanted or his</p> <p>19 intentions in anything.</p> <p>20 Q. What was your reaction when you</p> <p>21 got this e-mail at 10:39 a.m. from Tim?</p> <p>22 MS. SKIBITSKY: Let me strike</p> <p>23 that.</p> <p>24 Q. What was your reaction to Tim's</p> <p>25 statements to you that there will be many</p>	<p style="text-align: right;">Page 193</p> <p>1 K. Shiber</p> <p>2 Q. Were you interested in working</p> <p>3 many late nights on this deal?</p> <p>4 MR. HELLER: Objection to form.</p> <p>5 THE WITNESS: I was concerned</p> <p>6 about how working many late nights on</p> <p>7 this deal might affect and exacerbate</p> <p>8 the symptoms of my disability.</p> <p>9 Q. Understanding that you had that</p> <p>10 concern, was working at Centerview still</p> <p>11 your dream job?</p> <p>12 A. Yes.</p> <p>13 Q. Did you understand that there</p> <p>14 would be other deals that required many</p> <p>15 late nights if you were to continue</p> <p>16 working at Centerview?</p> <p>17 MR. HELLER: Objection.</p> <p>18 THE WITNESS: I don't think I</p> <p>19 can answer that question.</p> <p>20 Q. You understood by this point</p> <p>21 that the hours expectations on a week to</p> <p>22 week or even day-to-day basis at</p> <p>23 Centerview were unpredictable; right?</p> <p>24 MR. HELLER: Objection.</p> <p>25 THE WITNESS: Based on this</p>

<p style="text-align: right;">Page 194</p> <p>1 K. Shiber</p> <p>2 e-mail, I thought that there would be</p> <p>3 frequent, persistent, constantly late</p> <p>4 nights on deals going forward.</p> <p>5 Q. On all deals going forward?</p> <p>6 A. As he said, on a live deal like</p> <p>7 this.</p> <p>8 Q. Okay.</p> <p>9 So you understood that -- as of</p> <p>10 August 28, 2020, which is the date of this</p> <p>11 e-mail, you understood that going forward</p> <p>12 during your time at Centerview there would</p> <p>13 be live deals that required many late</p> <p>14 nights; correct?</p> <p>15 MR. HELLER: Objection. I find</p> <p>16 that question very vague.</p> <p>17 Answer it if you can.</p> <p>18 THE WITNESS: I don't think I</p> <p>19 can answer that question.</p> <p>20 Q. What is it that you don't</p> <p>21 understand about that question?</p> <p>22 A. I don't understand what's</p> <p>23 defined as a late night. I don't</p> <p>24 understand how many -- the frequency of</p> <p>25 live deals, what deals are involved, what</p>	<p style="text-align: right;">Page 196</p> <p>1 K. Shiber</p> <p>2 A. Yes.</p> <p>3 Q. Okay.</p> <p>4 Would you consider 1:00 a.m. a</p> <p>5 late night?</p> <p>6 A. In what context?</p> <p>7 Q. In the context of working at</p> <p>8 Centerview.</p> <p>9 A. In what type of situation while</p> <p>10 working at Centerview?</p> <p>11 Q. Is there one situation while</p> <p>12 working at Centerview where working until</p> <p>13 2:00 a.m. would be considered not a late</p> <p>14 night?</p> <p>15 A. Based on this e-mail, when I had</p> <p>16 stopped working at 2:00 a.m. and then was</p> <p>17 told that that was not late enough, it</p> <p>18 seemed that 2:00 a.m. would not be</p> <p>19 considered a late night on this deal.</p> <p>20 Q. Okay.</p> <p>21 In your opinion, is working</p> <p>22 until 2:00 a.m. on a deal, on a live deal,</p> <p>23 a late night?</p> <p>24 MR. HELLER: Objection.</p> <p>25 THE WITNESS: I don't have an</p>
<p style="text-align: right;">Page 195</p> <p>1 K. Shiber</p> <p>2 "required" means. I don't understand any</p> <p>3 part of that question.</p> <p>4 Q. Okay.</p> <p>5 Let's break it down.</p> <p>6 What is your understanding --</p> <p>7 what do you consider a late night as far</p> <p>8 as working for Centerview?</p> <p>9 A. I don't have an opinion on what</p> <p>10 a late night is working for Centerview.</p> <p>11 Q. You don't have an opinion on</p> <p>12 what a late night might be working for</p> <p>13 Centerview?</p> <p>14 A. No, I don't.</p> <p>15 Q. Well, you understood that your</p> <p>16 teammates were out working until, as you</p> <p>17 said, 4:00 a.m. or 8:00 a.m. on some</p> <p>18 occasions during this live deal; correct?</p> <p>19 A. Yes.</p> <p>20 Q. Would you consider that a late</p> <p>21 night?</p> <p>22 A. Yes.</p> <p>23 Q. And so Tim says in his e-mail,</p> <p>24 "there will be many late nights on this";</p> <p>25 right?</p>	<p style="text-align: right;">Page 197</p> <p>1 K. Shiber</p> <p>2 opinion on the situation.</p> <p>3 Q. You don't have an opinion on</p> <p>4 whether working until 2:00 a.m. was</p> <p>5 working late while at Centerview?</p> <p>6 A. Currently or at the time?</p> <p>7 Q. As of August, 2020, if your</p> <p>8 friend had asked you on August 29, 2020</p> <p>9 have you been working late nights, what</p> <p>10 would you have said?</p> <p>11 A. If a friend had asked me on</p> <p>12 August, 2020 after I had worked until 2:00</p> <p>13 or 3:00 a.m. if I had been working late</p> <p>14 nights, I would have said yes, I have been</p> <p>15 working late nights.</p> <p>16 Q. And you understood that there</p> <p>17 would be many late nights while working at</p> <p>18 Centerview going forward; right?</p> <p>19 MR. HELLER: Objection.</p> <p>20 THE WITNESS: I think the</p> <p>21 definition I just defined of late</p> <p>22 nights is different than Tim's</p> <p>23 definition here, so I can't say what I</p> <p>24 would have expected going forward.</p> <p>25 Q. Let's use your definition of</p>

50 (Pages 194 - 197)

<p style="text-align: right;">Page 198</p> <p>1 K. Shiber</p> <p>2 late nights.</p> <p>3 It sounds like your definition</p> <p>4 of late nights is what you were working on</p> <p>5 while you were on this live deal when you</p> <p>6 were working until 2:00 a.m.; correct?</p> <p>7 A. As of August 28, 2020, no,</p> <p>8 that's not correct.</p> <p>9 Q. What did you understand Tim to</p> <p>10 mean when he sent this e-mail and said,</p> <p>11 "there will be many late nights on this"?</p> <p>12 What did you think the next few days or</p> <p>13 weeks on this deal might look like in</p> <p>14 terms of what time you would go to bed?</p> <p>15 MR. HELLER: Objection.</p> <p>16 THE WITNESS: I thought he meant</p> <p>17 by that statement that the next few</p> <p>18 days and weeks would involve staying</p> <p>19 up until 8:00 a.m. on a regular basis.</p> <p>20 Q. And what did you think when you</p> <p>21 saw that e-mail and had that understanding</p> <p>22 as to what he meant?</p> <p>23 MR. HELLER: Objection. Asked</p> <p>24 and answered.</p> <p>25 THE WITNESS: I was immediately</p>	<p style="text-align: right;">Page 200</p> <p>1 K. Shiber</p> <p>2 that.</p> <p>3 Q. On occasion, you don't think</p> <p>4 that's correct?</p> <p>5 A. No.</p> <p>6 Q. Did you think that this live</p> <p>7 deal was a bit of a fluke in terms of the</p> <p>8 expectations of what might need to --</p> <p>9 MS. SKIBITSKY: Strike that.</p> <p>10 Q. Did you think that this live</p> <p>11 deal was very rare in terms of what it</p> <p>12 meant for the work hours while at</p> <p>13 Centerview?</p> <p>14 A. Based on Tim saying there will</p> <p>15 be many late nights like this such as</p> <p>16 working until 8:00 a.m. twenty-four hours</p> <p>17 straight, I did not -- throughout being a</p> <p>18 first year, I did not think that this deal</p> <p>19 was a fluke.</p> <p>20 Q. So you understood that there</p> <p>21 were other deals that you might be</p> <p>22 assigned to in the future that might</p> <p>23 likewise require very late nights, meaning</p> <p>24 up to potentially 8:00 a.m.; is that</p> <p>25 correct?</p>
<p style="text-align: right;">Page 199</p> <p>1 K. Shiber</p> <p>2 concerned about the situation,</p> <p>3 concerned that based on this response,</p> <p>4 he perceived me as lazy or letting the</p> <p>5 team down, and I was concerned about</p> <p>6 how -- abiding by that expectation and</p> <p>7 working until 8:00 a.m., meaning</p> <p>8 working twenty-four hours straight</p> <p>9 multiple nights in a row for weeks on</p> <p>10 end would exacerbate the symptoms of</p> <p>11 my disability.</p> <p>12 Q. And were you concerned that</p> <p>13 there would be other assignments while at</p> <p>14 Centerview that also required late nights</p> <p>15 of the type that we're talking about on</p> <p>16 this live deal?</p> <p>17 A. What do you mean by that also</p> <p>18 required?</p> <p>19 Q. You realized at this point in</p> <p>20 August, 2020 that working at Centerview</p> <p>21 would require on occasion very late</p> <p>22 nights, including up to 4:00 or 8:00 a.m.;</p> <p>23 is that correct?</p> <p>24 A. I don't think that's correct,</p> <p>25 that working at Centerview would require</p>	<p style="text-align: right;">Page 201</p> <p>1 K. Shiber</p> <p>2 MR. HELLER: Objection.</p> <p>3 THE WITNESS: I can't answer</p> <p>4 that question.</p> <p>5 Q. Why can't you answer that</p> <p>6 question?</p> <p>7 A. Because of what "require" means.</p> <p>8 Q. Did you expect at this point</p> <p>9 that there would be other deals you'd be</p> <p>10 assigned to that would have a similar</p> <p>11 workflow as this live deal that you were</p> <p>12 working on in August, 2020?</p> <p>13 A. Yes.</p> <p>14 Q. And did that concern you?</p> <p>15 A. Yes. As I've stated, it</p> <p>16 concerned me.</p> <p>17 Q. Why did it concern you?</p> <p>18 MR. HELLER: Objection. Asked</p> <p>19 and answered.</p> <p>20 THE WITNESS: It concerned me</p> <p>21 because I was worried about how the</p> <p>22 impact of working such a schedule</p> <p>23 would exacerbate my symptoms of my</p> <p>24 disability and how that might impact</p> <p>25 my work performance.</p>

<p style="text-align: right;">Page 202</p> <p>1 K. Shiber</p> <p>2 Q. What did you do after you</p> <p>3 received this e-mail from Tim?</p> <p>4 A. After I received this e-mail, I</p> <p>5 started crying and having a panic attack.</p> <p>6 MR. HELLER: Hope, I'm not trying</p> <p>7 to stop, but maybe when we get to a</p> <p>8 spot where you switch to a new</p> <p>9 document we can take a break.</p> <p>10 MS. SKIBITSKY: Yeah, that's</p> <p>11 fine. A few minutes.</p> <p>12 MR. HELLER: If you want to do it</p> <p>13 now.</p> <p>14 MS. SKIBITSKY: We can do it now.</p> <p>15 That's fine.</p> <p>16 Off the record.</p> <p>17 THE VIDEOGRAPHER: We are now off</p> <p>18 the record.</p> <p>19 The time on the video monitor is</p> <p>20 3:08 p.m.</p> <p>21 (Whereupon a break was taken)</p> <p>22 THE VIDEOGRAPHER: We are now</p> <p>23 back on the record.</p> <p>24 The time on the video monitor is</p> <p>25 3:21 p.m.</p>	<p style="text-align: right;">Page 204</p> <p>1 K. Shiber</p> <p>2 August 28, 2020 was marked Defendant's</p> <p>3 Exhibit 10 for identification.)</p> <p>4 Q. You recall though e-mailing Ms.</p> <p>5 Robinson ever you got that e-mail from Mr.</p> <p>6 Ernst on the morning of August 28, 2020?</p> <p>7 A. Yes.</p> <p>8 Q. Before you e-mailed Ms.</p> <p>9 Robinson, did you speak to anyone between</p> <p>10 your receipt of that e-mail from Mr. Ernst</p> <p>11 at 10:08 a.m. on August 28 and e-mailing</p> <p>12 Ms. Robinson?</p> <p>13 A. Yes.</p> <p>14 Q. Who did you speak to?</p> <p>15 A. I spoke to my mother. I may</p> <p>16 have spoken to other people. I don't</p> <p>17 recall.</p> <p>18 Q. And what did you say to your</p> <p>19 mother? Can you tell me everything you</p> <p>20 recall about that conversation with your</p> <p>21 mother?</p> <p>22 A. I recall that I was -- sorry,</p> <p>23 actually, can you remind me which time</p> <p>24 period we're talking about?</p> <p>25 Q. Sure.</p>
<p style="text-align: right;">Page 203</p> <p>1 K. Shiber</p> <p>2 Q. Ms. Shiber, do you still have</p> <p>3 the e-mail we were just looking at in</p> <p>4 front of you?</p> <p>5 A. Number nine? Yeah.</p> <p>6 Q. Okay.</p> <p>7 So the e-mail that you responded</p> <p>8 to, Tim Ernst e-mails you at August 8,</p> <p>9 2020, that's the first in time e-mail that</p> <p>10 we've already discussed; right?</p> <p>11 A. Yes.</p> <p>12 Q. And that e-mail's at 10:08 a.m.;</p> <p>13 correct?</p> <p>14 A. Yes.</p> <p>15 Q. Then you respond at 10:30 a.m.;</p> <p>16 correct?</p> <p>17 A. Yes.</p> <p>18 Q. And then at 10:33 a.m., two</p> <p>19 minutes after you respond to Mr. Ernst,</p> <p>20 then you e-mail Cheryl Robinson of</p> <p>21 Centerview's HR department; correct?</p> <p>22 A. I don't recall the exact time.</p> <p>23 MS. SKIBITSKY: Let's mark</p> <p>24 Exhibit 10, please.</p> <p>25 (Whereupon, an e-mail dated</p>	<p style="text-align: right;">Page 205</p> <p>1 K. Shiber</p> <p>2 So after you received an e-mail</p> <p>3 from Mr. Ernst at 10:08 a.m., you then</p> <p>4 e-mailed Ms. Shiber [sic] requesting a</p> <p>5 time to speak; correct?</p> <p>6 A. Ms. Robinson.</p> <p>7 Q. I'm sorry, Ms. Robinson</p> <p>8 requesting a time to speak; is that right?</p> <p>9 A. Yes.</p> <p>10 Q. And that's the exhibit that you</p> <p>11 have in front of you currently,</p> <p>12 Exhibit 10; correct?</p> <p>13 A. Yes.</p> <p>14 Q. So what I'm curious about is</p> <p>15 between the time that you received Mr.</p> <p>16 Ernst's e-mail on August 28 at 10:08 a.m.</p> <p>17 and the time that you reached out to Ms.</p> <p>18 Robinson that same day at 10:33 a.m., who</p> <p>19 did you speak to?</p> <p>20 A. So spoke to my mother and I may</p> <p>21 have spoken to other people. I don't</p> <p>22 recall.</p> <p>23 Q. Tell me everything that you</p> <p>24 recall about your conversation with your</p> <p>25 mother.</p>

<p style="text-align: right;">Page 206</p> <p>1 K. Shiber</p> <p>2 A. I recall that I was really</p> <p>3 freaked out about the situation and I</p> <p>4 thought, based on Tim's e-mail at 10:08, I</p> <p>5 thought that he was implying that I was</p> <p>6 not pulling my weight as a member of the</p> <p>7 team and I was worried I had a negative</p> <p>8 perception in his eyes and I expected,</p> <p>9 based on him saying that "I shouldn't be</p> <p>10 up alone working", that he would -- like</p> <p>11 that he would expect me to work the hours</p> <p>12 that he and Matt had worked that night.</p> <p>13 And I was concerned about that because, as</p> <p>14 I mentioned, I was concerned that working</p> <p>15 until 8:00 a.m. would significantly</p> <p>16 exacerbate the symptoms that I experienced</p> <p>17 due to my disabilities, and so because of</p> <p>18 that, we discussed that I might need an</p> <p>19 accommodation or just some sort of -- that</p> <p>20 it might be a good idea to reach out to HR</p> <p>21 to understand more about the expectations</p> <p>22 and see if I needed an accommodation.</p> <p>23 Q. And what did your mom say during</p> <p>24 that conversation?</p> <p>25 A. She was comforting to my</p>	<p style="text-align: right;">Page 208</p> <p>1 K. Shiber</p> <p>2 your mom express concern that the work</p> <p>3 hours that you had been experiencing over</p> <p>4 the past few days while working on this</p> <p>5 live deal at Centerview might be harmful</p> <p>6 to your health?</p> <p>7 A. My mom is not a medical</p> <p>8 professional, so she can't say exactly</p> <p>9 what anything might cause. But she did</p> <p>10 think that given one of my coping</p> <p>11 mechanisms for dealing with my anxiety was</p> <p>12 to have consistent and regular sleep, she</p> <p>13 thought that their expectations that I</p> <p>14 would work longer than I had the previous</p> <p>15 night, meaning longer than 2:00 a.m.,</p> <p>16 until 4:00 a.m. or 8:00 a.m., might</p> <p>17 exacerbate the symptoms.</p> <p>18 Q. Is there anything else about</p> <p>19 that conversation with your mom that you</p> <p>20 remember other than what you've already</p> <p>21 told me?</p> <p>22 A. About what she said, about how I</p> <p>23 felt?</p> <p>24 Q. About what was said between the</p> <p>25 two of you.</p>
<p style="text-align: right;">Page 207</p> <p>1 K. Shiber</p> <p>2 concerns and she thought that it might be</p> <p>3 a good idea to reach out to HR to discuss</p> <p>4 the possibility, and she encouraged me --</p> <p>5 yeah, that's what I can recall.</p> <p>6 Q. Was this conversation over the</p> <p>7 phone?</p> <p>8 A. No, it was in person.</p> <p>9 Q. And did your mom agree with you</p> <p>10 that working late nights could exacerbate</p> <p>11 the symptoms you had on account of your</p> <p>12 disabilities?</p> <p>13 MR. HELLER: Objection.</p> <p>14 THE WITNESS: I don't know how</p> <p>15 -- what definition of "late nights"</p> <p>16 are we using?</p> <p>17 Q. We're using the definition that</p> <p>18 we agreed that you found to be a late</p> <p>19 night, which is working until 2:00 a.m.</p> <p>20 MR. HELLER: Objection.</p> <p>21 THE WITNESS: I don't think we</p> <p>22 agreed that I found it to be a late</p> <p>23 night working until 2:00 a.m. as a</p> <p>24 blanket statement.</p> <p>25 Q. Was your mom concerned -- did</p>	<p style="text-align: right;">Page 209</p> <p>1 K. Shiber</p> <p>2 A. No, I don't recall anything</p> <p>3 else.</p> <p>4 Q. And who else did you speak with</p> <p>5 before you e-mailed Ms. Robinson on</p> <p>6 August 28 at 10:33 a.m.?</p> <p>7 A. I don't recall exactly who else</p> <p>8 I spoke with, if anyone.</p> <p>9 Q. Okay.</p> <p>10 So let's look at Exhibit 10.</p> <p>11 And this is the first in time e-mail --</p> <p>12 this is a document Bates stamped</p> <p>13 Centerview 001864. And the first in time</p> <p>14 e-mail is from you to Cheryl Robinson.</p> <p>15 And Ms. Robinson was in</p> <p>16 Centerview's HR department; correct?</p> <p>17 A. Yes.</p> <p>18 Q. Okay.</p> <p>19 And you write, "hi, Cheryl. Can</p> <p>20 we please set up an appointment to speak</p> <p>21 some time today. I am very concerned with</p> <p>22 learning how to communicate with my team</p> <p>23 and manage expectations".</p> <p>24 Do you see that?</p> <p>25 A. Yes.</p>

53 (Pages 206 - 209)

<p style="text-align: right;">Page 210</p> <p>1 K. Shiber</p> <p>2 Q. What did you mean by that, that</p> <p>3 you were concerned with learning how to</p> <p>4 communicate with your team and manage</p> <p>5 expectations?</p> <p>6 A. I was referring to Tim's e-mail</p> <p>7 where he said we should talk today about</p> <p>8 expectations on communications and</p> <p>9 expectations for a live project.</p> <p>10 Q. And so were you worried about</p> <p>11 having that conversation with Tim?</p> <p>12 A. Yes.</p> <p>13 Q. Did you have that conversation</p> <p>14 with Tim, the one that he references about</p> <p>15 talking about expectations?</p> <p>16 A. We had a phone conversation</p> <p>17 after this e-mail exchange on that day.</p> <p>18 Q. Okay.</p> <p>19 And you write, "I may need</p> <p>20 accommodations and do not feel comfortable</p> <p>21 advocating for myself, so I would really</p> <p>22 appreciate your help on this".</p> <p>23 Do you see that?</p> <p>24 A. Yes.</p> <p>25 Q. What did you have in mind when</p>	<p style="text-align: right;">Page 212</p> <p>1 K. Shiber</p> <p>2 Ms. Robinson?</p> <p>3 A. Yes.</p> <p>4 In our initial conversation, I</p> <p>5 described what had happened the night</p> <p>6 before, how I had worked until 2:00,</p> <p>7 believed I had finished responding to all</p> <p>8 of the comments on the work that I was</p> <p>9 provided, and sent the work over and then</p> <p>10 signed off and then had received an e-mail</p> <p>11 from Tim where it seemed like that was not</p> <p>12 -- that was not accepted behavior. And so</p> <p>13 I mentioned to her that I have a</p> <p>14 disability and was concerned about how</p> <p>15 working until 8:00 a.m. on a regular basis</p> <p>16 would exacerbate its symptoms and affect</p> <p>17 my life and my work performance. She</p> <p>18 mentioned that she didn't have anything in</p> <p>19 mind immediately but that she would -- she</p> <p>20 would work on it and think about the best</p> <p>21 way to handle the situation.</p> <p>22 Q. And you told Ms. Robinson during</p> <p>23 that conversation that you had a medical</p> <p>24 disability which, for healthy management,</p> <p>25 required eight to nine hours of sleep per</p>
<p style="text-align: right;">Page 211</p> <p>1 K. Shiber</p> <p>2 you said, "I may need accommodations"?</p> <p>3 A. I had in mind that I may need</p> <p>4 accommodations with regard to the timing</p> <p>5 of the workflow so that I could get enough</p> <p>6 sleep to manage the symptoms of my</p> <p>7 disabilities.</p> <p>8 Q. What specific accommodations did</p> <p>9 you have in mind that would help manage</p> <p>10 the timing of workflow?</p> <p>11 A. I didn't have any specific</p> <p>12 accommodations in mind.</p> <p>13 Q. Did you have any thoughts at all</p> <p>14 as to how Centerview might be able to</p> <p>15 accommodate you in order to manage the</p> <p>16 timing of workflow?</p> <p>17 A. That was what I wanted to</p> <p>18 discuss with Cheryl as the HR professional</p> <p>19 in the situation.</p> <p>20 Q. And you did talk to Ms. Robinson</p> <p>21 on August 28; correct?</p> <p>22 A. I believe so.</p> <p>23 Q. Okay.</p> <p>24 Can you tell me everything that</p> <p>25 you recall about that conversation with</p>	<p style="text-align: right;">Page 213</p> <p>1 K. Shiber</p> <p>2 night; is that correct?</p> <p>3 A. I don't recall saying that.</p> <p>4 Q. Can we look at the timeline</p> <p>5 e-mail? I think it's marked as Exhibit 8.</p> <p>6 Let's look at Shiber 108 and the second</p> <p>7 full bullet pointed paragraph from the top</p> <p>8 that starts with, "later that day".</p> <p>9 A. Hundred.</p> <p>10 Q. You write, "later that day I had</p> <p>11 a call with Cheryl Robinson in response to</p> <p>12 my previous e-mail. I felt that I could</p> <p>13 trust confiding in her, as I believed HR</p> <p>14 was a confidential resource. I told her</p> <p>15 that I had a medical disability".</p> <p>16 Do you recall telling Ms.</p> <p>17 Robinson that you had a medical</p> <p>18 disability?</p> <p>19 A. Yes.</p> <p>20 Q. And what was that medical</p> <p>21 disability that you were referring to when</p> <p>22 you told Ms. Robinson on August 28 during</p> <p>23 your call that you had a medical</p> <p>24 disability?</p> <p>25 A. I didn't tell her what</p>

<p style="text-align: right;">Page 214</p> <p>1 K. Shiber</p> <p>2 disability it was.</p> <p>3 Q. What did you understand the</p> <p>4 disability to be?</p> <p>5 A. Anxiety disorder, mood disorder,</p> <p>6 and postconcussive syndrome.</p> <p>7 Q. Do you still have postconcussive</p> <p>8 syndrome today?</p> <p>9 A. I don't know.</p> <p>10 Q. Do you know whether you had</p> <p>11 postconcussive syndrome in August of 2020?</p> <p>12 A. I don't know. As I mentioned, I</p> <p>13 cannot say what symptoms are due to what</p> <p>14 cause with regards to a diagnoses.</p> <p>15 Q. So when you told her I -- that</p> <p>16 you had a medical disability, in your mind</p> <p>17 you were considering those or that</p> <p>18 disability to be one of anxiety disorder,</p> <p>19 mood disorder, or postconcussive syndrome;</p> <p>20 is that correct?</p> <p>21 A. No, it's not one of those. My</p> <p>22 understanding was it's all of them.</p> <p>23 Q. Okay.</p> <p>24 And then I'm going to read the</p> <p>25 full sentence again. "I told her that I</p>	<p style="text-align: right;">Page 216</p> <p>1 K. Shiber</p> <p>2 you do sitting here today?</p> <p>3 A. I can't speculate what might</p> <p>4 have happened in my recollection.</p> <p>5 Q. I'm not asking you to speculate</p> <p>6 about anything. I'm just asking was your</p> <p>7 memory of what happened between you and</p> <p>8 Ms. Robinson on August 28, 2020 better</p> <p>9 years ago on September 15, 2020 than it</p> <p>10 was -- than it is sitting here today with</p> <p>11 regards to that specific discussion?</p> <p>12 A. On that day two weeks after the</p> <p>13 discussion, yes, it was better than today.</p> <p>14 Q. And do you have any reason to</p> <p>15 believe that you lied to Mr. Susman when</p> <p>16 you said in this timeline that you told</p> <p>17 Ms. Robinson that you had a medical</p> <p>18 disability which, for healthy management,</p> <p>19 required eight to nine hours of sleep per</p> <p>20 night and that ideally would have a</p> <p>21 somewhat consistent sleep schedule?</p> <p>22 A. No, I would never lie to him.</p> <p>23 Q. But we do see that you had told</p> <p>24 him that you had withdrawn from offers but</p> <p>25 that was a lie; correct?</p>
<p style="text-align: right;">Page 215</p> <p>1 K. Shiber</p> <p>2 had a medical disability which, for</p> <p>3 healthy management, required eight to nine</p> <p>4 hours of sleep per night and that ideally</p> <p>5 would have a somewhat consistent sleep</p> <p>6 schedule".</p> <p>7 Do you see that?</p> <p>8 A. Yes.</p> <p>9 Q. Okay.</p> <p>10 So you did tell Ms. Robinson,</p> <p>11 when you spoke with her on August 28, that</p> <p>12 you had a medical disability which, for</p> <p>13 healthy management, required eight to nine</p> <p>14 hours of sleep per night; correct?</p> <p>15 A. I don't recall doing so.</p> <p>16 Q. Well, you wrote that in your</p> <p>17 timeline that you sent to Mr. Susman;</p> <p>18 correct?</p> <p>19 A. Yes. I'm just saying at this</p> <p>20 present moment I don't exactly remember</p> <p>21 the exact words I said in that first</p> <p>22 meeting specifically.</p> <p>23 Q. Would you have had a better</p> <p>24 recollection of that first meeting</p> <p>25 specifically on September 15, 2020 than</p>	<p style="text-align: right;">Page 217</p> <p>1 K. Shiber</p> <p>2 MR. HELLER: Objection. That's</p> <p>3 argumentative. You're just arguing</p> <p>4 with the witness. I'm going to direct</p> <p>5 the witness not to answer.</p> <p>6 MS. SKIBITSKY: Brian, I'm going</p> <p>7 to ask you to stop with the</p> <p>8 speaking --</p> <p>9 MR. HELLER: That's a lie? I</p> <p>10 mean, that's just an offensive</p> <p>11 question. It's completely</p> <p>12 unnecessary.</p> <p>13 Q. Ms. Shiber, was it true when you</p> <p>14 told Mr. Susman that you withdrew offers</p> <p>15 after you received the Centerview offer;</p> <p>16 yes or no?</p> <p>17 MR. HELLER: Objection to form.</p> <p>18 THE WITNESS: I don't recall.</p> <p>19 Q. Well, we just looked at this in</p> <p>20 the timeline. We can turn back to it,</p> <p>21 Shiber 106. It's the fifth bullet point</p> <p>22 up from the bottom. You wrote, "I ended</p> <p>23 communications and multiple other</p> <p>24 recruiting processes, passing up on those</p> <p>25 that gave me job offers".</p>

55 (Pages 214 - 217)

<p style="text-align: right;">Page 218</p> <p>1 K. Shiber</p> <p>2 And that is not true; correct?</p> <p>3 You did not pass up on any job offers</p> <p>4 after you received the Centerview offer;</p> <p>5 correct?</p> <p>6 MR. HELLER: Asked and answered.</p> <p>7 THE WITNESS: I don't recall at</p> <p>8 this time.</p> <p>9 Q. Do you have any reason to</p> <p>10 believe that you wouldn't have been</p> <p>11 reporting your truthful recollection to</p> <p>12 Mr. Susman when you told him that you told</p> <p>13 Ms. Robinson that you required eight to</p> <p>14 nine hours of sleep per night on account</p> <p>15 of a medical disability?</p> <p>16 A. I have no reason to think I was</p> <p>17 lying. I would never lie to him</p> <p>18 intentionally.</p> <p>19 Q. So when you told Ms. Robinson</p> <p>20 that you have a medical disability which</p> <p>21 required eight to nine hours of sleep per</p> <p>22 night and ideally would have somewhat of a</p> <p>23 consistent sleep schedule, was it your</p> <p>24 understanding that Ms. -- that you were</p> <p>25 asking Ms. Robinson to help you manage</p>	<p style="text-align: right;">Page 220</p> <p>1 K. Shiber</p> <p>2 she was -- did Ms. Robinson convey or tell</p> <p>3 you that she was extremely adamant that</p> <p>4 Centerview was concerned about your health</p> <p>5 and that was the firm's top priority?</p> <p>6 A. Yes.</p> <p>7 Q. Okay.</p> <p>8 And what did Ms. Robinson --</p> <p>9 what was your subsequent conversation with</p> <p>10 Ms. Robinson with respect to your request</p> <p>11 for an accommodation?</p> <p>12 A. At what point in time?</p> <p>13 Q. Well, let's go to the next</p> <p>14 bullet point here that starts with, "later</p> <p>15 that day".</p> <p>16 You write, "later that day</p> <p>17 Cheryl called me and suggested her idea of</p> <p>18 the accommodations which were that she put</p> <p>19 up guardrails such that I would be able to</p> <p>20 have eight hours of sleep each night". I</p> <p>21 think there should be a period there.</p> <p>22 Do you recall Ms. Robinson</p> <p>23 telling you that she had an idea that they</p> <p>24 would put up guardrails that you would be</p> <p>25 able to have eight hours of sleep each</p>
<p style="text-align: right;">Page 219</p> <p>1 K. Shiber</p> <p>2 that medical disability by allowing you --</p> <p>3 enabling you to sleep eight to nine hours</p> <p>4 of sleep per night on a consistent sleep</p> <p>5 schedule?</p> <p>6 A. I was not asking Ms. Robinson to</p> <p>7 help manage my disability. I have doctors</p> <p>8 manage my disability.</p> <p>9 Q. So what were you asking Ms.</p> <p>10 Robinson to do during that meeting?</p> <p>11 A. I was asking for her advice and</p> <p>12 opinion as to whether there might be a</p> <p>13 possible accommodation that would work for</p> <p>14 the firm and avoid exacerbating the</p> <p>15 symptoms of my medical disability.</p> <p>16 Q. And when you told Ms. Robinson</p> <p>17 that you require eight it nine hours of</p> <p>18 sleep her night, she responded and was</p> <p>19 extremely adamant that Centerview was</p> <p>20 concerned about your health and that was</p> <p>21 the firm's top priority; isn't that</p> <p>22 correct?</p> <p>23 A. That was one of my understanding</p> <p>24 of her response.</p> <p>25 Q. Did Ms. Robinson tell you that</p>	<p style="text-align: right;">Page 221</p> <p>1 K. Shiber</p> <p>2 night?</p> <p>3 A. Yes, I recall.</p> <p>4 Q. Okay.</p> <p>5 And then you write that you</p> <p>6 immediately said I was not in favor of</p> <p>7 this plan; correct?</p> <p>8 A. Yes.</p> <p>9 Q. Was there a plan that you</p> <p>10 believe Centerview should have adopted</p> <p>11 that would have enabled you to sleep eight</p> <p>12 to nine hours a night on a somewhat</p> <p>13 consistent schedule other than what Ms.</p> <p>14 Robinson proposed?</p> <p>15 A. I can't say what the firm could</p> <p>16 have suggested.</p> <p>17 Q. If it were up to you entirely to</p> <p>18 come up with an accommodation that would</p> <p>19 work for you -- I read this paragraph as</p> <p>20 you not being happy with this guardrails</p> <p>21 approach that Ms. Robinson suggested; is</p> <p>22 that correct? You were not happy with</p> <p>23 that guardrails approach?</p> <p>24 A. When she initially proposed it,</p> <p>25 I was not happy with that approach.</p>

<p style="text-align: right;">Page 222</p> <p>1 K. Shiber</p> <p>2 Q. And why -- was there another</p> <p>3 approach that you would have preferred</p> <p>4 other than this guardrails approach?</p> <p>5 A. There's a -- I can't say what --</p> <p>6 any specific approach. There's a variety</p> <p>7 of the firm could have -- she could have</p> <p>8 said a variety of things and I would have</p> <p>9 had a variety of opinions to them.</p> <p>10 Q. Isn't it the case that any</p> <p>11 accommodation that would not allow for</p> <p>12 eight to nine hours of sleep per night on</p> <p>13 a somewhat consistent sleep schedule could</p> <p>14 potentially be sacrificing your health?</p> <p>15 A. What do you mean by sacrificing</p> <p>16 my health?</p> <p>17 Q. You wrote to -- you wrote in</p> <p>18 this timeline that for healthy management,</p> <p>19 you require eight to nine hours per night</p> <p>20 on a somewhat consistent sleep schedule;</p> <p>21 correct?</p> <p>22 A. Yes.</p> <p>23 Q. So what happens if you don't get</p> <p>24 eight to nine hours of sleep per night?</p> <p>25 A. If I don't, well, on one day?</p>	<p style="text-align: right;">Page 224</p> <p>1 K. Shiber</p> <p>2 That's four hours of sleep;</p> <p>3 correct?</p> <p>4 What would the impact have been</p> <p>5 on your health?</p> <p>6 MR. HELLER: Objection.</p> <p>7 THE WITNESS: On that one day</p> <p>8 alone, I would have had -- I can't say</p> <p>9 exactly what would have happened to</p> <p>10 me. That's not happened, so I can't</p> <p>11 say what would have happened to my</p> <p>12 health if it did.</p> <p>13 Q. But you agree that you require</p> <p>14 eight to nine hours of sleep per night on</p> <p>15 a somewhat consistent schedule in order to</p> <p>16 manage your health; correct?</p> <p>17 MR. HELLER: Objection.</p> <p>18 THE WITNESS: In order to best</p> <p>19 manage my disabilities and avoid</p> <p>20 exacerbating the effects of them, I</p> <p>21 maintain a lifestyle which includes</p> <p>22 eight to nine hours of sleep per</p> <p>23 night, on average.</p> <p>24 Q. And if you don't maintain</p> <p>25 consistent sleep for eight to nine hours,</p>
<p style="text-align: right;">Page 223</p> <p>1 K. Shiber</p> <p>2 How long? Can you clarify the time range?</p> <p>3 Q. On one day, what happens if you</p> <p>4 don't get eight to nine hours of sleep per</p> <p>5 night?</p> <p>6 A. How many hours of sleep do I</p> <p>7 get?</p> <p>8 Q. You write here that you require</p> <p>9 eight to nine hours of sleep.</p> <p>10 My question is if you don't get</p> <p>11 that, what is the impact? If you don't</p> <p>12 get eight to nine hours of sleep, what is</p> <p>13 the impact?</p> <p>14 A. I'm telling you there's a</p> <p>15 difference. If I don't get eight to nine</p> <p>16 hours of sleep, there's a whole range of</p> <p>17 things that could happen. Did I get seven</p> <p>18 and a half, did I get zero? This outcome</p> <p>19 is very different depending upon the</p> <p>20 situation.</p> <p>21 Q. Let's say you had stayed up</p> <p>22 until 4:00 a.m. on one of these nights of</p> <p>23 the live deal with Tim and Matt and then</p> <p>24 you woke up at 8:00 a.m. to get on a call</p> <p>25 about the live deal.</p>	<p style="text-align: right;">Page 225</p> <p>1 K. Shiber</p> <p>2 you are at a significant risk for</p> <p>3 exacerbation of your illness; is that</p> <p>4 correct?</p> <p>5 A. What time period?</p> <p>6 MS. SKIBITSKY: Can we look at</p> <p>7 tab two.</p> <p>8 (Whereupon, a letter dated</p> <p>9 September 1, 2020 was marked</p> <p>10 Defendant's Exhibit 11</p> <p>11 for identification.)</p> <p>12 Q. Okay.</p> <p>13 Ms. Shiber, do you have</p> <p>14 Exhibit 11 in front of you?</p> <p>15 A. Yes.</p> <p>16 Q. And this is the letter that you</p> <p>17 provided to Centerview from Marylee Verdi,</p> <p>18 a nurse at Dartmouth College; is that</p> <p>19 correct?</p> <p>20 A. Yes.</p> <p>21 Q. Okay.</p> <p>22 And in this letter, Ms. Verdi</p> <p>23 writes, "I am writing on behalf of Kathryn</p> <p>24 Shiber, as I have been her primary care</p> <p>25 provider for the last two years".</p>

<p style="text-align: right;">Page 226</p> <p>1 K. Shiber</p> <p>2 Do you see that?</p> <p>3 A. Yes.</p> <p>4 Q. "Because of her underlying</p> <p>5 medical diagnosis, she requires consistent</p> <p>6 sleep, eight to nine hours".</p> <p>7 Do you see that?</p> <p>8 A. Yes.</p> <p>9 Q. "If she is not able to maintain</p> <p>10 a regular sleep schedule, she is at</p> <p>11 significant risk for exacerbation of her</p> <p>12 illness".</p> <p>13 Do you see that?</p> <p>14 A. Yes.</p> <p>15 Q. So you do agree that if you do</p> <p>16 not maintain a regular sleep schedule, you</p> <p>17 are at significant risk for exacerbation</p> <p>18 of your illness; is that correct?</p> <p>19 A. I think that you're taking this</p> <p>20 letter out of context as it was produced</p> <p>21 to support the accommodation that Cheryl</p> <p>22 had put in place and it's not all</p> <p>23 encompassing of what happens if I don't</p> <p>24 sleep eight to nine hours.</p> <p>25 Q. Well, the context of this letter</p>	<p style="text-align: right;">Page 228</p> <p>1 K. Shiber</p> <p>2 A. Yes.</p> <p>3 Q. And what does that mean,</p> <p>4 significant risk for exacerbation of your</p> <p>5 illness?</p> <p>6 A. That means that the symptoms of</p> <p>7 my disabilities are significantly</p> <p>8 increased to even further impair my</p> <p>9 day-to-day life and my work performance,</p> <p>10 my relationship with others, and my</p> <p>11 emotional condition, and all of the other</p> <p>12 arenas that these symptoms impact me in.</p> <p>13 Q. And it would have been</p> <p>14 unreasonable for Centerview to disregard</p> <p>15 the fact that you would be at a</p> <p>16 significant risk for exacerbation of your</p> <p>17 illnesses if you are not able to work --</p> <p>18 if you are not able to have a consistent</p> <p>19 eight to nine hours of sleep on a regular</p> <p>20 sleep schedule; is that correct?</p> <p>21 A. I can't say what's reasonable</p> <p>22 for the firm to do.</p> <p>23 Q. You can't say whether it's</p> <p>24 reasonable for Centerview to disregard the</p> <p>25 impact that not sleeping might have on</p>
<p style="text-align: right;">Page 227</p> <p>1 K. Shiber</p> <p>2 is that you provided it to Centerview, to</p> <p>3 Ms. Robinson, in connection with your</p> <p>4 request for her to help you; correct?</p> <p>5 A. No, I don't think that's</p> <p>6 correct.</p> <p>7 Q. What's incorrect about what I</p> <p>8 just said?</p> <p>9 A. I don't think I provided it in</p> <p>10 conjunction with my request for her to</p> <p>11 help me.</p> <p>12 Q. Why did you give this letter to</p> <p>13 Ms. Robinson?</p> <p>14 A. Once she had put in place this</p> <p>15 guardrails approach during which -- which</p> <p>16 set up a schedule of sleeping eight to</p> <p>17 nine hours on a consistent basis, she</p> <p>18 asked for medical documentation to support</p> <p>19 that and I provided this document.</p> <p>20 Q. So you would agree with the</p> <p>21 contents of this document that if you are</p> <p>22 not able to maintain a regular sleep</p> <p>23 schedule, you are at significant risk for</p> <p>24 exacerbation of your illness; is that</p> <p>25 correct?</p>	<p style="text-align: right;">Page 229</p> <p>1 K. Shiber</p> <p>2 your health?</p> <p>3 A. I can't -- it's not my -- I</p> <p>4 don't have an opinion on what's reasonable</p> <p>5 for the firm to do in regards for --</p> <p>6 sorry, can you repeat the question?</p> <p>7 Q. You can't say whether it's</p> <p>8 reasonable for Centerview to disregard the</p> <p>9 impact that not sleeping might have on</p> <p>10 your health?</p> <p>11 A. I can't say what it's reasonable</p> <p>12 for the firm to regard or disregard.</p> <p>13 Q. You expected, when you gave</p> <p>14 Centerview this letter from your medical</p> <p>15 provider, that Centerview would understand</p> <p>16 that if you don't have eight to nine hours</p> <p>17 of sleep per night on a consistent basis,</p> <p>18 you are at a significant risk of</p> <p>19 exacerbating your illness; is that</p> <p>20 correct?</p> <p>21 A. I expected them to understand</p> <p>22 what it says in the letter, so yes.</p> <p>23 Q. Do you think Centerview should</p> <p>24 have disregarded what it says in the</p> <p>25 letter about the consequences of your not</p>

<p style="text-align: right;">Page 230</p> <p>1 K. Shiber</p> <p>2 getting eight to nine hours of sleep on a</p> <p>3 somewhat consistent basis?</p> <p>4 A. I can't say what the firm should</p> <p>5 have done in regards to regarding or</p> <p>6 disregarding.</p> <p>7 Q. I'm not asking what the firm</p> <p>8 should have done. I'm asking what you</p> <p>9 think.</p> <p>10 Do you think Centerview should</p> <p>11 have disregarded your request to sleep</p> <p>12 eight to nine hours on a consistent basis?</p> <p>13 A. You're asking what I think the</p> <p>14 firm should have done. You just said</p> <p>15 that. I don't think I can say what the</p> <p>16 firm should have done with regarding or</p> <p>17 disregarding.</p> <p>18 Q. Once you told the firm that if</p> <p>19 you don't get eight to nine hours of sleep</p> <p>20 on a somewhat consistent basis, you would</p> <p>21 be at a significant risk of exacerbating</p> <p>22 of illness, the firm was required to act</p> <p>23 on that?</p> <p>24 MS. SKIBITSKY: Strike that.</p> <p>25 Q. Once you told the firm that if</p>	<p style="text-align: right;">Page 232</p> <p>1 K. Shiber</p> <p>2 right?</p> <p>3 A. I think that's out of context.</p> <p>4 I said that in an emotional state after I</p> <p>5 had just been told I was terminated from</p> <p>6 my dream job.</p> <p>7 Q. So you did tell Centerview that</p> <p>8 you were willing to revoke this letter;</p> <p>9 correct?</p> <p>10 A. At that time, yes, I did.</p> <p>11 Q. Okay.</p> <p>12 And so if you had revoked this</p> <p>13 letter and pretended you had never given</p> <p>14 it to Centerview, was Centerview expected</p> <p>15 then to still put you at a significant</p> <p>16 risk of harm by having you work for -- in</p> <p>17 a capacity that did not allow for eight to</p> <p>18 nine hours of sleep on a somewhat</p> <p>19 consistent basis?</p> <p>20 MR. HELLER: Objection.</p> <p>21 THE WITNESS: They had already</p> <p>22 told me I was terminated and it was</p> <p>23 irrevocable, so they wouldn't have</p> <p>24 been expected to do anything after I</p> <p>25 said that.</p>
<p style="text-align: right;">Page 231</p> <p>1 K. Shiber</p> <p>2 you don't get eight to nine hours of sleep</p> <p>3 on a somewhat consistent basis, you were</p> <p>4 at significant risk for exacerbation of</p> <p>5 your illness, it would have been</p> <p>6 unreasonable for the firm not to act upon</p> <p>7 that information. They would have been</p> <p>8 putting you at a risk to your health;</p> <p>9 correct?</p> <p>10 MR. HELLER: Objection.</p> <p>11 THE WITNESS: This was part of</p> <p>12 what I understood to be a process of</p> <p>13 determining what accommodations would</p> <p>14 both work for the firm and also</p> <p>15 accommodate my -- I am an employee</p> <p>16 with a disability. In that process, I</p> <p>17 can't say what the firm -- how the</p> <p>18 firm should have regarded or</p> <p>19 disregarded. There's a wide range of</p> <p>20 things they could have done besides</p> <p>21 completely disregard this or besides</p> <p>22 this specific accommodation or besides</p> <p>23 terminating me.</p> <p>24 Q. At some point in time you later</p> <p>25 asked to revoke this letter; isn't that</p>	<p style="text-align: right;">Page 233</p> <p>1 K. Shiber</p> <p>2 Q. Okay.</p> <p>3 But you are -- let's turn back</p> <p>4 at Exhibit 8.</p> <p>5 You're looking at the timeline,</p> <p>6 Ms. Shiber?</p> <p>7 A. Yes.</p> <p>8 Q. Okay.</p> <p>9 Let's look at Shiber 110. We'll</p> <p>10 start at Shiber 109, which is the first</p> <p>11 bullet point -- it's the last bullet point</p> <p>12 on the page but it's the black bullet</p> <p>13 point. You write, "at 6:00 p.m. I joined</p> <p>14 a Webex video call with Jeanne Vicari and</p> <p>15 Cheryl Robinson. Jeanne began talking</p> <p>16 about my accommodations. The following</p> <p>17 quotes from Jeanne are verbatim but not</p> <p>18 necessarily in the correct order.</p> <p>19 Throughout what I should have known refers</p> <p>20 to the one hundred twenty-hour weeks".</p> <p>21 And then there are sub-bullet points.</p> <p>22 So let's look at the second to</p> <p>23 last sub-bullet point.</p> <p>24 You indicate here that Ms.</p> <p>25 Robison said, "we can't ignore the</p>

<p style="text-align: right;">Page 234</p> <p>1 K. Shiber</p> <p>2 evidence you've presented to us that the</p> <p>3 requirements of this job will have a</p> <p>4 negative impact on your health", bracket,</p> <p>5 "to all statements that I would be willing</p> <p>6 to revoke the letter completely", end</p> <p>7 bracket; correct?</p> <p>8 A. I don't know that it was Cheryl</p> <p>9 that said that, if it's Vicari or Cheryl</p> <p>10 Robison.</p> <p>11 Q. So either Ms. Robinson or Ms.</p> <p>12 Vicari said, "we can't ignore the evidence</p> <p>13 you presented to us that the requirements</p> <p>14 of this job will have a negative impact on</p> <p>15 your health"; right?</p> <p>16 A. Yes, I believe that's what they</p> <p>17 said.</p> <p>18 Q. And it's true, right, they</p> <p>19 couldn't ignore the evidence from a</p> <p>20 medical provider that not getting eight to</p> <p>21 nine hours of sleep on a consistent</p> <p>22 schedule will have a negative impact on</p> <p>23 your health; could they?</p> <p>24 A. As I've said, there's a wide</p> <p>25 range of things that they could have done.</p>	<p style="text-align: right;">Page 236</p> <p>1 K. Shiber</p> <p>2 disability, how they should be</p> <p>3 accommodated.</p> <p>4 Q. Did you think you should just</p> <p>5 not be put on any deals that would require</p> <p>6 you to not always sleep eight to nine</p> <p>7 hours on a consistent schedule?</p> <p>8 A. No.</p> <p>9 Q. You did not think that --</p> <p>10 MS. SKIBITSKY: Strike that.</p> <p>11 Q. You did not think that you</p> <p>12 should just be put on any deals that would</p> <p>13 not require you to work in a manner that</p> <p>14 wouldn't allow you to sleep eight to nine</p> <p>15 hours on a consistent schedule; correct?</p> <p>16 MR. HELLER: Objection. Asked</p> <p>17 and answered.</p> <p>18 THE WITNESS: I did not think</p> <p>19 that.</p> <p>20 Q. Did you ever suggest that</p> <p>21 Centerview speak to your medical</p> <p>22 providers?</p> <p>23 A. I don't believe I suggested it.</p> <p>24 Q. And had Centerview spoken to</p> <p>25 your medical providers, the medical</p>
<p style="text-align: right;">Page 235</p> <p>1 K. Shiber</p> <p>2 They could have started an interactive</p> <p>3 process by which they asked me what</p> <p>4 disability I had, they could have spoken</p> <p>5 to my medical provider about what my</p> <p>6 disability was, what the symptoms were,</p> <p>7 how it affected my life and potentially my</p> <p>8 work, what this schedule would have done</p> <p>9 to my health, what the impacts were, what</p> <p>10 accommodations might be possible or</p> <p>11 reasonable to manage my health. There's a</p> <p>12 wide range of things they could have done</p> <p>13 in relation to that statement.</p> <p>14 Q. Did they need to do that when</p> <p>15 they had the letter from your medical</p> <p>16 provider saying you required eight to nine</p> <p>17 hours of consistent sleep per night?</p> <p>18 MR. HELLER: Objection.</p> <p>19 THE WITNESS: I'm not a legal</p> <p>20 professional, but it's myself</p> <p>21 understanding that the interactive</p> <p>22 process is part of the process by</p> <p>23 which a firm is supposed to determine</p> <p>24 what accommodations and -- what should</p> <p>25 be done when an employee has a</p>	<p style="text-align: right;">Page 237</p> <p>1 K. Shiber</p> <p>2 providers would have presumably agreed</p> <p>3 with the letter that Nurse Verdi wrote</p> <p>4 which says if you don't get eight to nine</p> <p>5 hours of consistent sleep, you were at an</p> <p>6 increased risk of exacerbating your</p> <p>7 illness; correct?</p> <p>8 MR. HELLER: Objection.</p> <p>9 THE WITNESS: I can't say what</p> <p>10 would have happened the firm spoken to</p> <p>11 my medical providers.</p> <p>12 Q. You agree that the letter from</p> <p>13 Nurse Verdi is accurate and truthful;</p> <p>14 correct?</p> <p>15 MR. HELLER: Objection.</p> <p>16 THE WITNESS: I think there are</p> <p>17 a variety of interpretations of this</p> <p>18 letter. I think that Verdi wrote it</p> <p>19 to be accurate and truthful.</p> <p>20 Q. You told Ms. Verdi what to write</p> <p>21 in the letter; right?</p> <p>22 A. No.</p> <p>23 MS. SKIBITSKY: Can we mark tab</p> <p>24 twelve.</p> <p>25 (Whereupon, an e-mail dated</p>

<p style="text-align: right;">Page 238</p> <p>1 K. Shiber 2 September 1, 2020 was marked 3 Defendant's Exhibit 12 4 for identification.) 5 Q. Okay. 6 Ms. Shiber, do you have 7 Exhibit 12 in front of you? 8 A. Yes. 9 Q. And this is a document you 10 produced at Shiber 116; is that right? 11 A. Yes. 12 Q. The first e-mail here is from 13 Kathryn Shiber to Marylee Verdi from 14 August 31, 2020. 15 Do you see that? 16 A. Yes. 17 Q. Do you recall sending this 18 e-mail? 19 A. Yes. 20 Q. And you write, "hi, Marylee, 21 thank you so much for doing this. I think 22 the letter just needs to say I have 23 significant medical conditions which 24 require nine hours of sleep per night. 25 Consistent times offer a consistent sleep</p>	<p style="text-align: right;">Page 240</p> <p>1 K. Shiber 2 underlying medical diagnoses; I did not 3 say she requires consistent sleep eight to 4 nine hours; I did not say if she is not 5 able to maintain a regular sleep schedule, 6 she is at significant risk for 7 exacerbation of her illness; and I did not 8 say, sincerely Marylee Verdi. 9 Q. Okay. 10 What of those things that you 11 just said is a significant difference in 12 terms of the letter in terms of the 13 content of what it is that you provided to 14 Centerview? 15 MR. HELLER: Objection. 16 THE WITNESS: The difference is 17 that Verdi wrote this letter of her 18 own accord as a medical provider. I 19 here in my e-mail listed what Cheryl 20 had told me to include to support the 21 accommodations that Cheryl had 22 suggested. And we had spoken -- I had 23 spoken on the phone with Verdi 24 regarding the situation. She asked me 25 just to note down what Cheryl had said</p>
<p style="text-align: right;">Page 239</p> <p>1 K. Shiber 2 schedule". 3 Do you see that? 4 A. Yes. 5 Q. "In order to function properly 6 and maintain my health"; correct? 7 A. Yes. 8 Q. And that is what Nurse Verdi 9 wrote in her letter; right? 10 MR. HELLER: Objection. 11 THE WITNESS: It's not exactly 12 the same. 13 Q. Do you see any meaningful 14 difference between what you said here and 15 what Nurse Verdi wrote in her letter? 16 MR. HELLER: Objection. 17 THE WITNESS: Yes. 18 Q. Okay. 19 And what are those meaningful 20 differences? 21 A. I did not say to whom it may 22 concern; I did not say I'm writing on 23 behalf of Kathryn Shiber as I have been 24 her primary care provider for the last two 25 years; I did not say because of her</p>	<p style="text-align: right;">Page 241</p> <p>1 K. Shiber 2 to include. I was just passing along 3 what Cheryl had said to include. I 4 did not actually write the contents of 5 this letter. 6 Q. Did you speak with Nurse Verdi 7 before you e-mailed her this e-mail? 8 A. I believe so. 9 Q. And did you speak on the phone 10 or did you speak via text or any other 11 manner? 12 A. I believe we spoke on the phone. 13 Q. And can you tell me everything 14 you recall about that conversation? 15 A. What I recall is I had -- we had 16 caught up a bit as I hadn't spoken with 17 her since early July. I told her about 18 that I had been working at Centerview, and 19 I explained that I had been concerned 20 about maintaining my sleep schedule and to 21 avoid -- and generally being able to avoid 22 exacerbating my illness while meeting the 23 expectations at Centerview, and that I had 24 reached out to HR about potentially 25 seeking an accommodation, that they had</p>

<p style="text-align: right;">Page 242</p> <p>1 K. Shiber</p> <p>2 put one in place. I told her my thoughts</p> <p>3 about their suggestion. And I told her</p> <p>4 that they had requested a letter from a</p> <p>5 medical provider to support the</p> <p>6 accommodations that they had put in place.</p> <p>7 Q. And what were the thoughts about</p> <p>8 their suggestion that you told Nurse</p> <p>9 Verdi?</p> <p>10 A. They were similar to the</p> <p>11 thoughts that I told Cheryl and Tony when</p> <p>12 they had -- after Cheryl had proposed the</p> <p>13 accommodation, that I was worried about</p> <p>14 the fact that the guardrails would need to</p> <p>15 be communicated to my team. That meant</p> <p>16 that I would be -- that every team member</p> <p>17 that I worked with would know that there</p> <p>18 was something different about me, would</p> <p>19 know that there was something wrong with</p> <p>20 me, and given the significant stigma of</p> <p>21 mental and psychological illnesses, I</p> <p>22 thought that they would treat me</p> <p>23 differently or look down upon me, and --</p> <p>24 Q. And --</p> <p>25 A. And I thought that that was not</p>	<p style="text-align: right;">Page 244</p> <p>1 K. Shiber</p> <p>2 A. Initial meeting on August 28,</p> <p>3 yes.</p> <p>4 Q. And during that initial meeting</p> <p>5 on August 28, you told Ms. Robinson you</p> <p>6 had a medical disability which, for</p> <p>7 healthy management, required eight to nine</p> <p>8 hours of sleep per night and that ideally</p> <p>9 would have a somewhat consistent sleep</p> <p>10 schedule; correct?</p> <p>11 A. Yes.</p> <p>12 Q. So Ms. Robinson got this idea</p> <p>13 that you required eight to nine hours of</p> <p>14 medical --</p> <p>15 MS. SKIBITSKY: Strike that.</p> <p>16 Q. Ms. Robinson got this idea that</p> <p>17 you required eight to nine hours of sleep</p> <p>18 per night from you; correct?</p> <p>19 A. I told her that.</p> <p>20 Q. And did you ever propose any</p> <p>21 other accommodation to Ms. Robinson or</p> <p>22 anyone at Centerview that was different</p> <p>23 from the guardrails approach?</p> <p>24 A. I didn't propose any specific</p> <p>25 accommodations at all.</p>
<p style="text-align: right;">Page 243</p> <p>1 K. Shiber</p> <p>2 necessarily the only solution.</p> <p>3 Q. And what did you think was</p> <p>4 another solution?</p> <p>5 A. I didn't have a specific other</p> <p>6 solution in mind.</p> <p>7 Q. Where did Ms. Robinson first get</p> <p>8 the understanding that you required eight</p> <p>9 to nine hours of sleep on a consistent</p> <p>10 basis?</p> <p>11 A. I don't know where she first got</p> <p>12 that understanding.</p> <p>13 Q. Well, she did get it from you;</p> <p>14 correct?</p> <p>15 A. I don't know.</p> <p>16 Q. Let's look at Exhibit 9. Let's</p> <p>17 look again at Shiber 108.</p> <p>18 A. That's not Exhibit 9.</p> <p>19 Q. Exhibit 8, the timeline.</p> <p>20 Okay. So we read this bullet</p> <p>21 point before, but the second full bullet</p> <p>22 point from the top of Shiber 108, you</p> <p>23 explained, "I told her that" -- and to be</p> <p>24 clear, this is in your initial meeting</p> <p>25 with Ms. Robinson on August 28; correct?</p>	<p style="text-align: right;">Page 245</p> <p>1 K. Shiber</p> <p>2 Q. Did you propose any general</p> <p>3 accommodations or any thoughts about</p> <p>4 accommodations?</p> <p>5 A. I did not propose any general</p> <p>6 accommodations.</p> <p>7 Q. What other accommodations would</p> <p>8 have been sufficient?</p> <p>9 MR. HELLER: Objection.</p> <p>10 THE WITNESS: I can't say.</p> <p>11 Q. You have no idea of any</p> <p>12 accommodations that might allow you to</p> <p>13 sleep eight to nine hours on a somewhat</p> <p>14 consistent schedule?</p> <p>15 A. I personally don't have any</p> <p>16 specific accommodations in mind.</p> <p>17 Q. Are you aware of the possibility</p> <p>18 of any accommodations other than that</p> <p>19 which Ms. Robinson proposed that might</p> <p>20 allow you to sleep eight to nine hours per</p> <p>21 night on a somewhat consistent basis?</p> <p>22 A. Yes.</p> <p>23 Q. What would that have been?</p> <p>24 A. I can't say what it would have</p> <p>25 been. I think there's a broad range of</p>

<p style="text-align: right;">Page 246</p> <p>1 K. Shiber</p> <p>2 potential approaches that would have to be</p> <p>3 evaluated in terms of how they both work</p> <p>4 for avoiding exacerbating my disability as</p> <p>5 well as how they work for the firm.</p> <p>6 Q. Okay.</p> <p>7 So you said that there's a broad</p> <p>8 range.</p> <p>9 Can you give me any potential</p> <p>10 accommodation on that broad range?</p> <p>11 A. No, because I can't offer an</p> <p>12 opinion as to what would have worked for</p> <p>13 the firm.</p> <p>14 Q. Okay.</p> <p>15 What would have worked for you?</p> <p>16 Forget about what would have worked for</p> <p>17 the firm.</p> <p>18 My question is what would have</p> <p>19 worked for you other than a guardrail</p> <p>20 situation where your teams are told Ms.</p> <p>21 Shiber's not working from this time to</p> <p>22 this time?</p> <p>23 A. Again, there's so many</p> <p>24 possibilities, I cannot list -- I cannot</p> <p>25 list all of the options of possibilities</p>	<p style="text-align: right;">Page 248</p> <p>1 K. Shiber</p> <p>2 question than the one you just asked.</p> <p>3 THE WITNESS: It is a different</p> <p>4 question than what you just asked.</p> <p>5 Q. Okay.</p> <p>6 My question is: Would you have</p> <p>7 wanted the accommodation that you just</p> <p>8 proposed as a possible solution that you</p> <p>9 don't work on any live deals ever at</p> <p>10 Centerview?</p> <p>11 MR. HELLER: Objection.</p> <p>12 THE WITNESS: I can't say what I</p> <p>13 would have wanted. I can't say what I</p> <p>14 would have wanted.</p> <p>15 Q. You don't know whether you would</p> <p>16 have wanted to just be placed on deals</p> <p>17 that were not live deals?</p> <p>18 A. I think you're asking me to</p> <p>19 speculate about what I would have wanted</p> <p>20 at the time.</p> <p>21 Q. I'm not asking you to speculate</p> <p>22 about anything.</p> <p>23 Is this potential accommodation</p> <p>24 one that you had in mind in September,</p> <p>25 2020 before your termination?</p>
<p style="text-align: right;">Page 247</p> <p>1 K. Shiber</p> <p>2 that would allow me to sleep eight to nine</p> <p>3 hours per night.</p> <p>4 Q. Can you list a single one other</p> <p>5 than the guardrails approach?</p> <p>6 A. Yes.</p> <p>7 Q. Okay.</p> <p>8 What is that accommodation?</p> <p>9 A. One of many possible</p> <p>10 accommodations could be that I was</p> <p>11 assigned to deals that didn't require this</p> <p>12 type of staying up all night.</p> <p>13 Q. But that's not what you would</p> <p>14 have wanted; correct?</p> <p>15 A. I can't say what I would have</p> <p>16 wanted.</p> <p>17 Q. You testified -- I had asked you</p> <p>18 this question earlier, would one</p> <p>19 accommodation have been that you not work</p> <p>20 on any live deals, and you said, if I'm</p> <p>21 remembering correctly, no, wouldn't have</p> <p>22 wanted that.</p> <p>23 Is that an incorrect</p> <p>24 recollection?</p> <p>25 MR. HELLER: That's a different</p>	<p style="text-align: right;">Page 249</p> <p>1 K. Shiber</p> <p>2 A. In September, 2020 before my</p> <p>3 termination, I did not have specific</p> <p>4 accommodations in mind.</p> <p>5 Q. Okay.</p> <p>6 Sitting here today, does this</p> <p>7 approach of not putting you on any live</p> <p>8 deals sound like a reasonable approach?</p> <p>9 A. I didn't say not put me on any</p> <p>10 live deals.</p> <p>11 Q. Okay.</p> <p>12 What would be your ideal</p> <p>13 accommodation in that case?</p> <p>14 A. I don't have an ideal</p> <p>15 accommodation.</p> <p>16 Q. You can't describe a single</p> <p>17 accommodation sitting here today that you</p> <p>18 would have agreed was sufficient?</p> <p>19 A. Sufficient for what purpose?</p> <p>20 Q. For your purposes.</p> <p>21 A. What are my purposes?</p> <p>22 Q. I don't know.</p> <p>23 What did you consider your</p> <p>24 purposes to be in September, 2020 when you</p> <p>25 requested an accommodation?</p>

<p style="text-align: right;">Page 250</p> <p>1 K. Shiber</p> <p>2 MR. HELLER: Objection.</p> <p>3 THE WITNESS: My intent was to</p> <p>4 work with the firm to find a solution</p> <p>5 that allowed me to fulfill the</p> <p>6 responsibilities of the role,</p> <p>7 contribute to the firm's success, and</p> <p>8 also avoid exacerbating my</p> <p>9 disabilities.</p> <p>10 Q. And you understood, as we've</p> <p>11 discussed, that the responsibilities of</p> <p>12 the role included some unpredictable late</p> <p>13 nights; correct?</p> <p>14 MR. HELLER: Objection.</p> <p>15 THE WITNESS: No.</p> <p>16 Q. You didn't understand that, if</p> <p>17 you worked at Centerview, you would likely</p> <p>18 be working late nights at times, late</p> <p>19 nights being up to 2:00 a.m. or even 4:00</p> <p>20 a.m.?</p> <p>21 A. At what time period are you</p> <p>22 asking about whether I understood that?</p> <p>23 Q. On August 29, 2020, did you</p> <p>24 understand that, if you stayed at</p> <p>25 Centerview, you would be working late</p>	<p style="text-align: right;">Page 252</p> <p>1 K. Shiber</p> <p>2 matter, an analyst in Centerview's program</p> <p>3 is there for three years and then may be</p> <p>4 promoted to the associate position?</p> <p>5 A. Yes, generally.</p> <p>6 Q. Okay.</p> <p>7 And you understand that Tim was</p> <p>8 an associate; correct?</p> <p>9 A. Yes.</p> <p>10 Q. And do you know how long he had</p> <p>11 been at the firm?</p> <p>12 A. No.</p> <p>13 Q. But you understood he had been</p> <p>14 there for enough time to be in supervisory</p> <p>15 role over the analysts; correct?</p> <p>16 MR. HELLER: Objection.</p> <p>17 THE WITNESS: I don't know that</p> <p>18 I understood that.</p> <p>19 Q. Well, you worked for him; right?</p> <p>20 A. That was not my understanding.</p> <p>21 Q. Did you report to him?</p> <p>22 A. In what context?</p> <p>23 Q. Did he check your work?</p> <p>24 A. Yes.</p> <p>25 Q. And he asked you to make certain</p>
<p style="text-align: right;">Page 251</p> <p>1 K. Shiber</p> <p>2 nights at times?</p> <p>3 A. No, I don't think I understood</p> <p>4 that.</p> <p>5 Q. Didn't Tim tell you in his</p> <p>6 e-mail on August 28 that this job is</p> <p>7 unpredictable and sometimes we work late</p> <p>8 nights?</p> <p>9 A. Tim didn't say this job is</p> <p>10 unpredictable. Tim, an associate, said</p> <p>11 late nights are just part of the job.</p> <p>12 Q. Why did you call out that he's</p> <p>13 an associate?</p> <p>14 A. Because I feel like you're</p> <p>15 trying to imply that, based on this one</p> <p>16 paragraph, I should have an understanding</p> <p>17 of the requirements of the role that were</p> <p>18 not communicated by anyone else and that</p> <p>19 in the previous four weeks had not been a</p> <p>20 requirement of my role in my experience.</p> <p>21 Q. As an associate, Tim had been --</p> <p>22 had gone through Centerview's three-year</p> <p>23 analyst program; correct?</p> <p>24 A. I don't know.</p> <p>25 Q. You understand, as a general</p>	<p style="text-align: right;">Page 253</p> <p>1 K. Shiber</p> <p>2 edits and then you obliged and made</p> <p>3 certain edits?</p> <p>4 A. Yes.</p> <p>5 Q. Is there anyone better than an</p> <p>6 associate working on the deal that you're</p> <p>7 working onto give you insight into the</p> <p>8 expectations of the analysts on Centerview</p> <p>9 deals?</p> <p>10 A. I can't say exactly who should</p> <p>11 be defining the expectations.</p> <p>12 Q. But Tim explained to you the</p> <p>13 reality of the position, right, in his</p> <p>14 August 28 e-mail?</p> <p>15 MR. HELLER: Objection.</p> <p>16 THE WITNESS: I don't -- no, he</p> <p>17 didn't.</p> <p>18 Q. He says, "trust me" -- I'm</p> <p>19 reading the last sentence in the second</p> <p>20 paragraph of this e-mail. "Trust me, we</p> <p>21 don't want to be working late either and</p> <p>22 if we don't need to be, we won't, but</p> <p>23 there will be many late nights on this";</p> <p>24 correct?</p> <p>25 A. Yes.</p>

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<p style="text-align: right;">Page 254</p> <p>1 K. Shiber</p> <p>2 Q. And we've already established</p> <p>3 that you understood there would be many</p> <p>4 late nights if you continued to work at</p> <p>5 Centerview; right?</p> <p>6 A. No.</p> <p>7 MR. HELLER: I have to object to</p> <p>8 this continued use of this phrase</p> <p>9 "late night" without any definition.</p> <p>10 MS. SKIBITSKY: Brian, I need to</p> <p>11 object to your speaking objections.</p> <p>12 MR. HELLER: No, hours you've</p> <p>13 been playing around with this. I'm</p> <p>14 going to put this on the record</p> <p>15 because you've been playing around</p> <p>16 with the witness with the wording and</p> <p>17 it's really inappropriate. You should</p> <p>18 define "late night".</p> <p>19 MS. SKIBITSKY: Brian, you need</p> <p>20 to stop coaching the witness and</p> <p>21 wasting my time and the deposition.</p> <p>22 MR. HELLER: You need to stop</p> <p>23 asking the same question about sixty</p> <p>24 times and hoping that you'll get a</p> <p>25 different answer. You've read this</p>	<p style="text-align: right;">Page 256</p> <p>1 K. Shiber</p> <p>2 MS. SKIBITSKY: Okay. It's</p> <p>3 objection.</p> <p>4 MR. HELLER: I don't think</p> <p>5 objection is sufficient given the</p> <p>6 questions we're getting here.</p> <p>7 MS. SKIBITSKY: I think the</p> <p>8 district would disagree with you.</p> <p>9 Should we go off the record for</p> <p>10 a few minutes?</p> <p>11 MR. HELLER: Sure.</p> <p>12 THE VIDEOGRAPHER: We are now off</p> <p>13 the record.</p> <p>14 The time on the video monitor is</p> <p>15 4:21 p.m.</p> <p>16 (Whereupon a break was taken)</p> <p>17 THE VIDEOGRAPHER: We are now</p> <p>18 back on the record.</p> <p>19 The time on the video monitor is</p> <p>20 4:37 p.m.</p> <p>21 Q. Ms. Shiber, before the break,</p> <p>22 you had testified that one of the many</p> <p>23 possible accommodations could be that I</p> <p>24 was assigned deals that didn't require</p> <p>25 this staying up all night.</p>
<p style="text-align: right;">Page 255</p> <p>1 K. Shiber</p> <p>2 sentence about fifteen times so far.</p> <p>3 You've never addressed what a late</p> <p>4 night is. You've relied on it</p> <p>5 consistently --</p> <p>6 MS. SKIBITSKY: Brian --</p> <p>7 MR. HELLER: The objection is</p> <p>8 that this question is vague and</p> <p>9 ambiguous.</p> <p>10 MS. SKIBITSKY: Okay. That's all</p> <p>11 you had to say; objection, vague and</p> <p>12 ambiguous, that's the way the district</p> <p>13 works here.</p> <p>14 MR. HELLER: I think the district</p> <p>15 would frown upon these questions.</p> <p>16 MS. SKIBITSKY: I'm going to ask</p> <p>17 you to stop wasting time, and I'm</p> <p>18 going to reserve additional time if</p> <p>19 these objections, these longwinded</p> <p>20 objections continue.</p> <p>21 MR. HELLER: You are wasting</p> <p>22 enough time for everybody here. I'm</p> <p>23 trying to move this along by asking</p> <p>24 you to not rehash the same things over</p> <p>25 and over again.</p>	<p style="text-align: right;">Page 257</p> <p>1 K. Shiber</p> <p>2 Do you recall that testimony?</p> <p>3 A. Yes.</p> <p>4 Q. Can you explain what you meant</p> <p>5 by being assigned deals that didn't</p> <p>6 require this staying up all night?</p> <p>7 A. In my experience at the firm, I</p> <p>8 had been assigned to several accounts that</p> <p>9 -- where it did not seem that the</p> <p>10 expectation was that I stay up all night</p> <p>11 and it seemed to me that others at the</p> <p>12 firm were -- other first year analysts</p> <p>13 were also assigned to deals that did not</p> <p>14 require them to -- or have a team member</p> <p>15 with any expectations that they stay up</p> <p>16 all night, so I thought that -- so I meant</p> <p>17 that, as one accommodation, I could be</p> <p>18 assigned to deals where it wasn't -- that</p> <p>19 wasn't the expectation that I would stay</p> <p>20 up all night every night.</p> <p>21 Q. The deals that you had been</p> <p>22 assigned to prior to the live deal that we</p> <p>23 were discussing were not live deals; is</p> <p>24 that correct?</p> <p>25 A. That's my understanding.</p>

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<p style="text-align: right;">Page 258</p> <p>1 K. Shiber</p> <p>2 Q. They were in low activity</p> <p>3 stages; is that right?</p> <p>4 A. That was my understanding.</p> <p>5 Q. So is part of this potential</p> <p>6 accommodation that you would be assigned</p> <p>7 only to nonlive deals?</p> <p>8 MR. HELLER: Objection.</p> <p>9 THE WITNESS: No, it was not my</p> <p>10 understanding that every single live</p> <p>11 deal there would be an expectation of</p> <p>12 staying up all night every night.</p> <p>13 Q. Was it your thought that you</p> <p>14 could be assigned only to potential phases</p> <p>15 of deals that were in a slow period?</p> <p>16 A. No, that's not my understanding.</p> <p>17 That's not what I meant when I said the</p> <p>18 previous statement.</p> <p>19 Q. Were you aware that there were a</p> <p>20 steady stream of deals or assignments of</p> <p>21 low activity at Centerview?</p> <p>22 A. I was not aware of the deal flow</p> <p>23 of the entire firm. I was only, you know,</p> <p>24 specifically aware of the activity levels</p> <p>25 of those two accounts that we've</p>	<p style="text-align: right;">Page 260</p> <p>1 K. Shiber</p> <p>2 every day.</p> <p>3 Q. And the activity -- the deals</p> <p>4 that you had been on were in the</p> <p>5 relationship management phase previously;</p> <p>6 is that right?</p> <p>7 A. The first two deals I was</p> <p>8 assigned, yes, that is my understanding.</p> <p>9 Q. And so is your potential</p> <p>10 accommodation that you would be assigned</p> <p>11 to deals only on the relationship</p> <p>12 management phase?</p> <p>13 A. No, that's not what I said in</p> <p>14 the proposed accommodation. I said I</p> <p>15 would work on deals where I didn't have to</p> <p>16 stay up all night potentially every night.</p> <p>17 Q. Are you aware of live deals at</p> <p>18 Centerview that have consistent hours</p> <p>19 requirements?</p> <p>20 MR. HELLER: Objection.</p> <p>21 THE WITNESS: What do you mean</p> <p>22 by "consistent hours requirements"?</p> <p>23 Q. Are you aware of any live views</p> <p>24 at Centerview that would allow for the</p> <p>25 team to sleep eight to nine hours on a</p>
<p style="text-align: right;">Page 259</p> <p>1 K. Shiber</p> <p>2 mentioned.</p> <p>3 Q. And those were accounts that</p> <p>4 were not at an active stage; correct?</p> <p>5 A. Yes.</p> <p>6 Q. I had asked you was it your</p> <p>7 thought that you could be assigned only to</p> <p>8 potential phases of deals that were in a</p> <p>9 slow period and you said, "no, that's not</p> <p>10 what I meant when I said the previous</p> <p>11 statement".</p> <p>12 So what did you mean when you</p> <p>13 said that you could potentially be</p> <p>14 assigned to deals that didn't require this</p> <p>15 staying up all night?</p> <p>16 A. In my understanding, there's a</p> <p>17 difference between an account that's in a</p> <p>18 relationship management phase and requires</p> <p>19 -- and is in this low activity phase.</p> <p>20 There's a difference between that and a</p> <p>21 live deal and there's a difference between</p> <p>22 a live deal and a live deal with an</p> <p>23 expectation or requirement of working</p> <p>24 through the night and staying up for</p> <p>25 twenty-four hours straight potentially</p>	<p style="text-align: right;">Page 261</p> <p>1 K. Shiber</p> <p>2 consistent schedule?</p> <p>3 MR. HELLER: Objection.</p> <p>4 THE WITNESS: I'm not presently</p> <p>5 aware of any live deals at Centerview</p> <p>6 as I no longer work at the firm.</p> <p>7 Q. When you were at Centerview,</p> <p>8 were you aware of any live deals that</p> <p>9 would allow for every member of the team</p> <p>10 to sleep eight to nine hours on a somewhat</p> <p>11 consistent schedule?</p> <p>12 A. I was -- I was not aware of what</p> <p>13 other live deals there were and how much</p> <p>14 sleep the people that were working on</p> <p>15 those got and whether that was required or</p> <p>16 not.</p> <p>17 Q. So the answer is no, you were</p> <p>18 not aware of any live deals that allowed</p> <p>19 for the team to sleep eight to nine hours</p> <p>20 a night on a consistent schedule; correct?</p> <p>21 MR. HELLER: Objection.</p> <p>22 THE WITNESS: I was not aware of</p> <p>23 the details of any of the live deals.</p> <p>24 Q. And you were not aware of any</p> <p>25 deals that had the team working set hours</p>

<p style="text-align: right;">Page 262</p> <p>1 K. Shiber</p> <p>2 during the day; were you? For example,</p> <p>3 from 9:00 to 6:00 every day or from 10:00</p> <p>4 to 10:00 every day.</p> <p>5 A. I was not aware of any deal</p> <p>6 where that was a publicized schedule.</p> <p>7 Q. You were not aware of any deal</p> <p>8 where that was a schedule, publicized or</p> <p>9 not; correct?</p> <p>10 A. In speaking with other members</p> <p>11 of the analyst class, they were on other</p> <p>12 deals and accounts that had what seemed to</p> <p>13 be perhaps a schedule like you're</p> <p>14 describing. I was not aware if they were</p> <p>15 live or not; I was not aware what their</p> <p>16 exact hours or schedule were. They may</p> <p>17 have worked those hours or other hours.</p> <p>18 Q. So the answer to do you know</p> <p>19 whether there were live deals or any</p> <p>20 deals, in fact, that had specific hours</p> <p>21 expectations while you were at Centerview,</p> <p>22 the answer is no; correct?</p> <p>23 A. Well, yes.</p> <p>24 Q. So putting aside --</p> <p>25 A. Wait, sorry, when I said yes, I</p>	<p style="text-align: right;">Page 264</p> <p>1 K. Shiber</p> <p>2 speculate exactly what hours and how much</p> <p>3 sleep every person on every other deal</p> <p>4 got. [REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>10 Q. Putting aside this potential</p> <p>11 accommodation that you identified as</p> <p>12 assigning you to deals that didn't require</p> <p>13 this staying up all night and putting</p> <p>14 aside the guardrails approach, are you</p> <p>15 aware of any other potential accommodation</p> <p>16 that would have enabled you to get eight</p> <p>17 to nine hours of sleep on a somewhat</p> <p>18 consistent basis?</p> <p>19 A. Yes.</p> <p>20 Q. And what would those</p> <p>21 accommodations have been?</p> <p>22 A. I think that there's a lot of</p> <p>23 options. I think one option could have</p> <p>24 been that if one night I worked very late,</p> <p>25 then the next night I was guaranteed to be</p>
<p style="text-align: right;">Page 263</p> <p>1 K. Shiber</p> <p>2 meant yes, I was aware of such deals.</p> <p>3 Q. Of deals that had specific hours</p> <p>4 expectations?</p> <p>5 A. Well, it depends on what we're</p> <p>6 defining as expectations. But based on</p> <p>7 this communication from Tim, it seemed to</p> <p>8 me that there were expectations that on</p> <p>9 this deal I would be available 24/7, which</p> <p>10 seems to me to be a live deal with</p> <p>11 specific hours expectations.</p> <p>12 Q. Are you aware with -- were you</p> <p>13 aware while you were at Centerview of any</p> <p>14 deals, live deals or not, that had</p> <p>15 predictable hours that the team was</p> <p>16 instructed to be working on that would fit</p> <p>17 within your requested -- that would fit</p> <p>18 within Nurse Verdi's letter of eight to</p> <p>19 nine hours of consistent sleep per night?</p> <p>20 A. Yes.</p> <p>21 Q. What deals were those?</p> <p>22 A. The ones that I was most aware</p> <p>23 of were the two previous ones that I was</p> <p>24 assigned to, but there may have been</p> <p>25 additional ones and based -- I can't</p>	<p style="text-align: right;">Page 265</p> <p>1 K. Shiber</p> <p>2 able to sleep, to catch up and make up on</p> <p>3 that sleep debt. Or if for a week or two</p> <p>4 weeks or however long an active period of</p> <p>5 a deal was that required even staying up</p> <p>6 all night, we could talk to my medical</p> <p>7 provider and see what would be the impact</p> <p>8 on my health should I do that, is that</p> <p>9 okay. Perhaps that would have been an</p> <p>10 option if I had been given the opportunity</p> <p>11 to speak to my medical provider and figure</p> <p>12 out what different accommodations were.</p> <p>13 We could have -- you know, I could have</p> <p>14 been assigned different phases, I could</p> <p>15 have been assigned live active deals which</p> <p>16 didn't require or have this expectation of</p> <p>17 staying up all night, I could have spoken</p> <p>18 -- like I said, there's a wide range of</p> <p>19 options I could have -- but I just needed</p> <p>20 the opportunity to be able to both speak</p> <p>21 with the firm further about my situation</p> <p>22 and speak with my medical providers. I</p> <p>23 never had that opportunity because they</p> <p>24 presented this guardrails and put it in</p> <p>25 place and said it would work and everyone</p>

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<p style="text-align: right;">Page 266</p> <p>1 K. Shiber 2 seemed to think it would work. Cheryl 3 said it would work, Tony said it would 4 work, and then later they said it wouldn't 5 work, took it away, fired me. So there's 6 a lot of -- but there are a lot of other 7 options that could have -- of 8 accommodations that could have happened. 9 Q. But you had already told 10 Centerview that if you don't work eight to 11 nine hours -- if you don't sleep for eight 12 to nine hours on a somewhat consistent 13 basis, that could seriously exacerbate 14 your medical illness; right? 15 MR. HELLER: Objection. 16 THE WITNESS: Yes, I believe 17 that's what in the letter. 18 Q. And so the potential 19 accommodation of working one night very 20 late and then being guaranteed to be able 21 to sleep the next night isn't consistent 22 with that representation to Centerview 23 that your health could be in danger if you 24 are not sleeping eight to nine hours a 25 night on a consistent schedule; correct?</p>	<p style="text-align: right;">Page 268</p> <p>1 K. Shiber 2 So in a proposal like you're 3 describing like I mentioned where there's, 4 you know, a night of working all night and 5 then a night to catch up, that might have 6 been an option. 7 Q. But it's not just Verdi that 8 said you required eight to nine hours of 9 sleep per night. It's you that told Ms. 10 Robinson that you require eight to nine 11 hours of sleep per night; correct? And 12 this is Exhibit 8, the timeline. It's 13 Shiber 108. 14 A. Yes, I wrote I have a medical 15 disability which, for healthy management, 16 required eight to nine hours of sleep per 17 night and that ideally would have a 18 somewhat consistent sleep schedule. To me 19 that's a different statement from every 20 single night I need to sleep eight to nine 21 hours per night every single day. 22 Q. What does "ideally would have a 23 somewhat consistent sleep schedule" mean 24 to you? 25 A. To me it means that in a perfect</p>
<p style="text-align: right;">Page 267</p> <p>1 K. Shiber 2 MR. HELLER: Objection. 3 THE WITNESS: I think there's 4 room in the word -- in the word 5 "consistent". It doesn't mean every 6 single night of the entire year you 7 must sleep eight to nine hours or 8 something terrible will happen. 9 There's a range of possibilities and 10 there's a range of results. 11 Q. So how would this proposal that 12 -- how would this proposal work out where 13 you could work late one night and then be 14 guaranteed to be able to sleep the 15 following night? How would that have been 16 consistent with Nurse Verdi's 17 representation that you need eight to nine 18 hours of sleep each night and on a 19 somewhat consistent basis? 20 A. Well, Verdi said requires 21 consistent sleep eight to nine hours, in 22 my understanding, and we could have spoken 23 to her about what that exactly meant. In 24 my understanding, that is not necessarily 25 a guaranteed amount every single day.</p>	<p style="text-align: right;">Page 269</p> <p>1 K. Shiber 2 world with nothing going on in life that 3 might require an adjustment to the time of 4 your sleep, you would sleep -- go to sleep 5 and wake up at the same time each day. 6 But ideally would have a somewhat 7 consistent sleep schedule means that -- 8 ideally it would be somewhat similar 9 times, but it's not necessarily the exact 10 same time, and that's also only in the 11 most ideal, which very few people practice 12 the exact most ideal version of how they 13 should manage their health. 14 Q. Okay. 15 And is there an accommodation 16 that you can think of putting aside the 17 one we discussed about putting you 18 potentially on deals that wouldn't have 19 you working late nights and putting aside 20 the guardrails that would enable you to 21 have a consistent sleep schedule where 22 you're sleeping eight to nine hours of 23 sleep per night in an ideal world? 24 A. Yes. 25 Q. How many late nights would be</p>

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<p style="text-align: right;">Page 270</p> <p>1 K. Shiber</p> <p>2 reasonable, in your opinion?</p> <p>3 A. What's a late night?</p> <p>4 Q. Let's say until 2:00 a.m. which</p> <p>5 you considered a late night.</p> <p>6 A. When we previously defined late</p> <p>7 nights, I said in the context of texting</p> <p>8 one of my friends, I considered 2:00 a.m.</p> <p>9 a late night. That's not the same as in</p> <p>10 the context of all of the times that I</p> <p>11 would work. And I can't say how many --</p> <p>12 how many nights. I would have to speak</p> <p>13 with my medical providers about what the</p> <p>14 impact to my health might be. I can't</p> <p>15 say.</p> <p>16 Q. Didn't you tell Nurse Verdi to</p> <p>17 include in her letter the fact that your</p> <p>18 significant medical conditions required</p> <p>19 nine hours of sleep per night?</p> <p>20 A. I said, "I think the letter</p> <p>21 needs to say that".</p> <p>22 Q. Right.</p> <p>23 And that's because you believe</p> <p>24 that your medical conditions require nine</p> <p>25 hours of sleep per night; right?</p>	<p style="text-align: right;">Page 272</p> <p>1 K. Shiber</p> <p>2 conditions, I would have eight to nine</p> <p>3 hours of sleep per night".</p> <p>4 If you don't get eight to nine</p> <p>5 hours of sleep per night, you are not best</p> <p>6 managing your medical conditions; is that</p> <p>7 correct?</p> <p>8 A. That is my understanding.</p> <p>9 Q. And so if Centerview -- and you</p> <p>10 and Centerview come up with an</p> <p>11 accommodation that does not give you eight</p> <p>12 to nine hours of sleep per night, you are</p> <p>13 not receiving -- you are not best managing</p> <p>14 your medical conditions; right?</p> <p>15 A. I'm not sure. It's possible</p> <p>16 that, if I had a different amount of sleep</p> <p>17 but did -- perhaps used other coping</p> <p>18 strategies or perhaps had naps throughout</p> <p>19 the day but didn't have that amount of</p> <p>20 direct sleep per night or a variety of</p> <p>21 different situations, again I'm not a</p> <p>22 medical provider, I can't say exactly how</p> <p>23 that -- how my health should have been</p> <p>24 managed.</p> <p>25 Q. But you did because you told</p>
<p style="text-align: right;">Page 271</p> <p>1 K. Shiber</p> <p>2 A. As I've said, ideally to best</p> <p>3 manage my medical conditions, I would have</p> <p>4 eight to nine hours of sleep per night.</p> <p>5 The reason I included it in this letter is</p> <p>6 that's because what Cheryl informed me the</p> <p>7 letter should say to support the</p> <p>8 accommodations that she proposed.</p> <p>9 Q. Right.</p> <p>10 But as we've established, you're</p> <p>11 the one who came up -- who explained and</p> <p>12 put it into Ms. Robinson's mind that you</p> <p>13 required eight to nine hours of sleep per</p> <p>14 night; right?</p> <p>15 A. Yes, I told her that.</p> <p>16 Q. So any accommodation that did</p> <p>17 not allow you to sleep eight to nine hours</p> <p>18 per night would not be ideal for your</p> <p>19 medical condition; is that right?</p> <p>20 A. I can't say what the impact</p> <p>21 might be should I have gotten -- received</p> <p>22 an accommodation that included a different</p> <p>23 schedule.</p> <p>24 Q. You said -- you testified that</p> <p>25 "ideally, to best manage my medical</p>	<p style="text-align: right;">Page 273</p> <p>1 K. Shiber</p> <p>2 Centerview that you required eight to nine</p> <p>3 hours of sleep per night; right?</p> <p>4 A. That was my understanding at the</p> <p>5 time.</p> <p>6 Q. And then you told Nurse Verdi to</p> <p>7 write you a letter that says you require</p> <p>8 eight to nine hours of sleep per night;</p> <p>9 right?</p> <p>10 A. Based on Cheryl telling me to do</p> <p>11 so.</p> <p>12 Q. And Cheryl told you to do so</p> <p>13 because you had represented to Centerview</p> <p>14 that you required eight to nine hours of</p> <p>15 sleep per night; correct?</p> <p>16 MR. HELLER: Objection.</p> <p>17 THE WITNESS: I can't say why</p> <p>18 Cheryl told me that. I think there's</p> <p>19 a difference between -- my</p> <p>20 understanding was that Cheryl told me</p> <p>21 what to have my provider include in</p> <p>22 the letter to support the</p> <p>23 accommodations she had put in place,</p> <p>24 which is different from me telling --</p> <p>25 yeah, I don't know why -- I can't say</p>

<p style="text-align: right;">Page 274</p> <p>1 K. Shiber</p> <p>2 why specifically she told me to</p> <p>3 include it in the letter. That was my</p> <p>4 understanding at the time.</p> <p>5 Q. Okay.</p> <p>6 So the only potential</p> <p>7 accommodations we've discussed that would</p> <p>8 allow you to get eight to nine hours of</p> <p>9 sleep per night to best manage your</p> <p>10 medical conditions is the guardrails</p> <p>11 approach and the proposal that you came up</p> <p>12 with today where you would be assigned to</p> <p>13 deals that didn't require this staying up</p> <p>14 all night; correct?</p> <p>15 A. No, I think there are additional</p> <p>16 options.</p> <p>17 Q. What are the additional options</p> <p>18 that would allow you to get eight to nine</p> <p>19 hours of sleep per night?</p> <p>20 MR. HELLER: Objection.</p> <p>21 THE WITNESS: There are a range</p> <p>22 of different options. To get eight to</p> <p>23 nine hours of sleep per night, I could</p> <p>24 have worked on the same deal but on</p> <p>25 owned work streams or tasks that</p>	<p style="text-align: right;">Page 276</p> <p>1 K. Shiber</p> <p>2 A. I meant that if you're looking</p> <p>3 for accommodations where it's eight to</p> <p>4 nine hours per night, it doesn't mean the</p> <p>5 same hours, those hours don't have to</p> <p>6 occur at the same time, which is different</p> <p>7 than the guardrails approach and is</p> <p>8 different than being assigned to different</p> <p>9 deals.</p> <p>10 Q. But didn't you tell Cheryl that</p> <p>11 you required eight to nine hours of sleep</p> <p>12 per night on a somewhat consistent basis?</p> <p>13 A. Yes, ideally on a somewhat</p> <p>14 consistent schedule.</p> <p>15 Q. How is sleeping --</p> <p>16 MS. SKIBITSKY: Strike that.</p> <p>17 Q. You testified, "I meant that if</p> <p>18 you're looking for accommodations where</p> <p>19 it's eight to nine hours per night, it</p> <p>20 doesn't mean the same hours. Those hours</p> <p>21 don't have to occur at the same time,</p> <p>22 which is different than the guardrails</p> <p>23 approach and it's different from being</p> <p>24 assigned to different deals".</p> <p>25 What does this mean it's eight</p>
<p style="text-align: right;">Page 275</p> <p>1 K. Shiber</p> <p>2 weren't active in the middle of the</p> <p>3 night. I could have slept a different</p> <p>4 eight to nine hours each night, such</p> <p>5 as 4:00 a.m. to 12:00 p.m. I could</p> <p>6 have -- there's a variety of</p> <p>7 approaches that even still in this</p> <p>8 limitation you're giving of per every</p> <p>9 single night I could have done. And</p> <p>10 if we interpret -- well, you said per</p> <p>11 night, so even per night, I think</p> <p>12 there's still a range. To me that</p> <p>13 doesn't mean every single night.</p> <p>14 There's a broad set of options,</p> <p>15 including working increased hours one</p> <p>16 week, sleeping more the next, even</p> <p>17 between the days like we mentioned.</p> <p>18 Q. I'm looking for accommodations</p> <p>19 that allow you to sleep eight to nine</p> <p>20 hours per night.</p> <p>21 So one of your proposals that</p> <p>22 you just testified to was you could have</p> <p>23 slept a different eight to nine hours each</p> <p>24 night.</p> <p>25 What did you mean by that?</p>	<p style="text-align: right;">Page 277</p> <p>1 K. Shiber</p> <p>2 to nine hours per night, it doesn't mean</p> <p>3 the same hours, what does that mean?</p> <p>4 A. That just means that, when I say</p> <p>5 eight to nine hours per night, it doesn't</p> <p>6 mean 12:00 a.m. to 8:00 a.m. or 9:00 a.m.</p> <p>7 That just means within a say</p> <p>8 twenty-four-hour period there's eight to</p> <p>9 nine hours of sleep.</p> <p>10 Q. Are you aware of any deals at</p> <p>11 Centerview that would have the flexibility</p> <p>12 for you to sign off at a certain time and</p> <p>13 log in the next day at a certain time that</p> <p>14 would allow you to get eight to nine hours</p> <p>15 of sleep per night? Are you aware of such</p> <p>16 deals that are so predictable as that?</p> <p>17 A. As I mentioned, the deals I was</p> <p>18 previously assigned. And additionally,</p> <p>19 given that deals are highly confidential</p> <p>20 and given that I had just started with the</p> <p>21 firm and didn't have that many friends</p> <p>22 that I was even discussing my -- anything</p> <p>23 about, my work with at the firm, I don't</p> <p>24 think -- I just don't think it means</p> <p>25 anything that I didn't know what other</p>

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<p style="text-align: right;">Page 278</p> <p>1 K. Shiber</p> <p>2 deals were going on or are still.</p> <p>3 Q. The deal you were -- the two</p> <p>4 deals you were previously assigned before</p> <p>5 the live deal were in inactive phases of</p> <p>6 the deal; correct?</p> <p>7 A. That's my understanding.</p> <p>8 Q. Okay.</p> <p>9 And the question I asked was</p> <p>10 were you aware of any deal at Centerview</p> <p>11 that would allow for the flexibility for</p> <p>12 you to sign off at a certain time and log</p> <p>13 on the next day eight to nine hours later</p> <p>14 and the answer to that question is no, you</p> <p>15 were not aware of any such deal at</p> <p>16 Centerview when you were employed by</p> <p>17 Centerview; is that correct?</p> <p>18 A. I was not aware of any such</p> <p>19 deals or any other deals really.</p> <p>20 Q. Could you have done your job at</p> <p>21 Centerview if you were sleeping from 4:00</p> <p>22 a.m. to noon when the rest of your team</p> <p>23 was working during the day?</p> <p>24 A. I don't think it's my place to</p> <p>25 say whether I could have done my job.</p>	<p style="text-align: right;">Page 280</p> <p>1 K. Shiber</p> <p>2 talking about, I don't know if they would</p> <p>3 have -- you know, if that would have been</p> <p>4 permitted on that deal.</p> <p>5 Q. So you don't know whether there</p> <p>6 were any such deals that would enable an</p> <p>7 analyst to sleep from 4:00 a.m. to noon</p> <p>8 every day; correct?</p> <p>9 MR. HELLER: Objection.</p> <p>10 THE WITNESS: Correct, I don't</p> <p>11 know.</p> <p>12 Q. You were not aware of any</p> <p>13 specific deals that would have allowed an</p> <p>14 analyst to sleep from 4:00 a.m. to noon</p> <p>15 each day; correct?</p> <p>16 A. No, that's the same question you</p> <p>17 just asked two questions ago.</p> <p>18 Q. Is the answer no, that you were</p> <p>19 not aware of any specific deals that would</p> <p>20 have allowed an associate --</p> <p>21 A. What I'm trying to say -- sorry.</p> <p>22 Q. You cannot identify sitting here</p> <p>23 today any deals where analysts or</p> <p>24 associates were able, as a matter of fact,</p> <p>25 to sleep from 4:00 a.m. to 12:00 p.m. each</p>
<p style="text-align: right;">Page 279</p> <p>1 K. Shiber</p> <p>2 That's --</p> <p>3 Q. Are you aware of any deals or</p> <p>4 phases of deals that were going on while</p> <p>5 you were employed by Centerview that would</p> <p>6 have permitted a member of the team to</p> <p>7 sleep from 4:00 a.m. to noon, for example?</p> <p>8 A. I can't say what other analysts</p> <p>9 experienced on other deals.</p> <p>10 Q. My question is are you aware of</p> <p>11 any deals that would permit an analyst to</p> <p>12 sleep from 4:00 a.m. to noon?</p> <p>13 A. I don't know.</p> <p>14 Q. So the answer is no, you were</p> <p>15 not aware of any deals that would permit</p> <p>16 an analyst to sleep from 4:00 a.m. to</p> <p>17 noon?</p> <p>18 A. No, the answer is I don't know.</p> <p>19 Because, for example, the deals we've been</p> <p>20 talking about, these low activity deals, I</p> <p>21 don't know if it would have been -- if the</p> <p>22 members of the team would have permitted</p> <p>23 -- would have been okay, would have</p> <p>24 permitted me to sleep from 4:00 a.m. to</p> <p>25 12:00 a.m. Even the deal that we're</p>	<p style="text-align: right;">Page 281</p> <p>1 K. Shiber</p> <p>2 day during the course of the deal;</p> <p>3 correct?</p> <p>4 MR. HELLER: Objection.</p> <p>5 THE WITNESS: I don't know.</p> <p>6 Q. Okay.</p> <p>7 So as far as any potential</p> <p>8 accommodations that would allow you to</p> <p>9 sleep for eight to nine hours per night,</p> <p>10 we've discussed the guardrails approach,</p> <p>11 the approach to potentially putting you on</p> <p>12 deals that would not require you to work</p> <p>13 late nights, and a proposal where you just</p> <p>14 sleep eight to nine hours a night at</p> <p>15 various times; is that correct?</p> <p>16 A. No. The second proposal -- the</p> <p>17 second one is not no deals where I have no</p> <p>18 late nights. It's no deals -- it's deals</p> <p>19 where I can still sleep eight to nine</p> <p>20 hours per night.</p> <p>21 Q. The way you phrased the proposal</p> <p>22 was to be assigned deals that didn't</p> <p>23 require this staying up all night.</p> <p>24 A. Yes.</p> <p>25 Q. Aside from those -- aside from</p>

<p style="text-align: right;">Page 282</p> <p>1 K. Shiber</p> <p>2 those three proposals, are you aware of</p> <p>3 any other accommodations that might allow</p> <p>4 you to sleep eight to nine hours of sleep</p> <p>5 per night?</p> <p>6 MR. HELLER: Objection.</p> <p>7 THE WITNESS: Yes.</p> <p>8 Q. And what would that have been?</p> <p>9 A. When you say -- I guess when you</p> <p>10 say eight to nine hours of sleep per</p> <p>11 night, do you mean eight to nine hours of</p> <p>12 sleep every single night?</p> <p>13 Q. Yes.</p> <p>14 A. So to my understanding, the</p> <p>15 proposals include working on deals that</p> <p>16 don't require staying up all night,</p> <p>17 guardrails approach of signing off at</p> <p>18 specific times, and sleeping different</p> <p>19 hours each night. I mean, I can't think</p> <p>20 of additional -- I feel like -- I feel</p> <p>21 like either sleeping the same hours every</p> <p>22 night or sleeping different hours every</p> <p>23 night covers -- variations of those cover</p> <p>24 all the possibilities of sleeping eight to</p> <p>25 nine hours every single night.</p>	<p style="text-align: right;">Page 284</p> <p>1 K. Shiber</p> <p>2 Q. Okay.</p> <p>3 And the first was the e-mail</p> <p>4 that you sent Cheryl on August 28 where</p> <p>5 you said can we have a phone conversation;</p> <p>6 correct?</p> <p>7 A. Yes.</p> <p>8 Q. Okay.</p> <p>9 And so then the second</p> <p>10 discussion you had with anyone at</p> <p>11 Centerview with respect to your request</p> <p>12 for an accommodation was this conversation</p> <p>13 with Cheryl where she explained that she</p> <p>14 had never had an accommodation of this</p> <p>15 sort but that she would see what she could</p> <p>16 do; correct?</p> <p>17 A. Yes.</p> <p>18 Q. And then the third conversation</p> <p>19 with Cheryl occurs later that same day;</p> <p>20 right?</p> <p>21 A. Correct.</p> <p>22 Q. I'm looking at the next bullet</p> <p>23 point down that starts, "later that day".</p> <p>24 A. Yes.</p> <p>25 Q. So it says, "later that day,</p>
<p style="text-align: right;">Page 283</p> <p>1 K. Shiber</p> <p>2 Q. Okay.</p> <p>3 Let's turn back to Exhibit 8 and</p> <p>4 let's look at Shiber 108. And the third</p> <p>5 full bullet point down, it starts with,</p> <p>6 "Cheryl stated". You wrote, "Cheryl</p> <p>7 stated that I had done the right thing by</p> <p>8 contacting HR. She said that they 'had</p> <p>9 never had an accommodation of this sort</p> <p>10 but that she would see what she could do'.</p> <p>11 She was extremely adamant that they were</p> <p>12 very concerned about my health and that</p> <p>13 was the firm's top priority. She didn't</p> <p>14 know what the accommodation would be</p> <p>15 necessarily but she said she would get</p> <p>16 back to me"; correct?</p> <p>17 A. Yes.</p> <p>18 Q. And so that was the first</p> <p>19 conversation you had with Centerview with</p> <p>20 respect to a potential accommodation;</p> <p>21 right? That discussion with Cheryl on</p> <p>22 August 28?</p> <p>23 A. The first was the e-mail, but</p> <p>24 yes, this was the first phone</p> <p>25 conversation.</p>	<p style="text-align: right;">Page 285</p> <p>1 K. Shiber</p> <p>2 Cheryl called me and suggested her idea of</p> <p>3 the accommodations, which were that she</p> <p>4 put up guardrails such that I would be</p> <p>5 able to have eight hours of sleep each</p> <p>6 night".</p> <p>7 Do you see that?</p> <p>8 A. Yes.</p> <p>9 Q. Okay.</p> <p>10 And then you explained, "I</p> <p>11 immediately said that I was not in favor</p> <p>12 of this plan".</p> <p>13 Do you see that?</p> <p>14 A. Yes.</p> <p>15 Q. "I did not want my team to know</p> <p>16 about the situation, as I was concerned</p> <p>17 they would view my differently due to the</p> <p>18 stigmas around having a disability as well</p> <p>19 as the general 'suck it up' nature of the</p> <p>20 financial industry"; correct?</p> <p>21 A. Yes.</p> <p>22 Q. And she stated that, in order</p> <p>23 for such boundaries to be respected, my</p> <p>24 team would have to be made aware of them.</p> <p>25 Do you see that?</p>

<p style="text-align: right;">Page 286</p> <p>1 K. Shiber</p> <p>2 A. Yes.</p> <p>3 Q. "I repeated to Cheryl multiple</p> <p>4 times that I was not comfortable with this</p> <p>5 and did not want it to affect what deals I</p> <p>6 was staffed on or the opportunities and</p> <p>7 experiences I was exposed to at the firm".</p> <p>8 Do you see that?</p> <p>9 A. Yes.</p> <p>10 Q. And then you write, "she", being</p> <p>11 Cheryl, "suggested that we have a call</p> <p>12 with a senior banker show could offer</p> <p>13 input from the banker side of things".</p> <p>14 Do you see that?</p> <p>15 A. Yes.</p> <p>16 Q. And so that recommendation from</p> <p>17 Ms. Robinson to have a call with a senior</p> <p>18 banker who could offer input was in</p> <p>19 response to your statements that you did</p> <p>20 not want your team to know about the</p> <p>21 situation; correct?</p> <p>22 A. In response to that and also in</p> <p>23 response to my concerns about the deals</p> <p>24 I'm staffed on, opportunities and</p> <p>25 experiences that I had in my growth at the</p>	<p style="text-align: right;">Page 288</p> <p>1 K. Shiber</p> <p>2 team would not have to know the exact</p> <p>3 specifics of the situation, just that I</p> <p>4 was not always available".</p> <p>5 Do you recall Tony saying that?</p> <p>6 A. Yes.</p> <p>7 Q. And you write, "I cannot</p> <p>8 emphasize enough how many times I</p> <p>9 expressed that I only wanted to go through</p> <p>10 with this if it would not impact my career</p> <p>11 negatively in a way".</p> <p>12 Do you see that?</p> <p>13 A. Yes.</p> <p>14 Q. What do you mean by "only wanted</p> <p>15 to go through with it" in this sentence?</p> <p>16 A. I only wanted to go through with</p> <p>17 the accommodation that Cheryl proposed if</p> <p>18 I felt like I would not be stigmatized</p> <p>19 against and discriminated against and</p> <p>20 viewed differently by my teammates due to</p> <p>21 having a disability.</p> <p>22 Q. And then Tony responded to that</p> <p>23 that he understood your concerns but that</p> <p>24 there were plenty of reasons why someone</p> <p>25 would not be available at a specific time</p>
<p style="text-align: right;">Page 287</p> <p>1 K. Shiber</p> <p>2 firm.</p> <p>3 Q. Okay.</p> <p>4 And so Ms. Robinson, hearing</p> <p>5 your concerns, suggested Tony Kim and said</p> <p>6 he was a good resource for this type of</p> <p>7 thing; correct?</p> <p>8 A. Yes.</p> <p>9 Q. And so you subsequently did have</p> <p>10 a call with Ms. Robinson and Tony Kim;</p> <p>11 right?</p> <p>12 A. Yes.</p> <p>13 Q. And that phone call, did that</p> <p>14 occur the same day, August 28?</p> <p>15 A. I don't recall the exact date.</p> <p>16 Q. Okay.</p> <p>17 And then you wrote, "shortly</p> <p>18 after that, the three of us had a phone</p> <p>19 call. Tony stated that he was not</p> <p>20 speaking as the partner who happened to be</p> <p>21 on my deal team but rather in his capacity</p> <p>22 handling various administrative things at</p> <p>23 the firm. Tony listened to my concerns</p> <p>24 about not wanting my disability to limit</p> <p>25 my professional career. He said that the</p>	<p style="text-align: right;">Page 289</p> <p>1 K. Shiber</p> <p>2 and that, for example, if you were on</p> <p>3 another busy deal, you could not have the</p> <p>4 same availability for this team and they</p> <p>5 would have to understand that.</p> <p>6 Do you see that?</p> <p>7 A. Yes.</p> <p>8 Q. Okay.</p> <p>9 And so Tony understood your</p> <p>10 concern and he responded by saying that</p> <p>11 there were plenty of reasons why someone</p> <p>12 might not be available at specific times;</p> <p>13 correct?</p> <p>14 A. Yes, that's what he said.</p> <p>15 Q. And then you write, "this made</p> <p>16 me feel that my professional treatment</p> <p>17 would not change so I said okay"; right?</p> <p>18 A. Yes.</p> <p>19 Q. Okay.</p> <p>20 And then you had another</p> <p>21 conversation with Cheryl about this</p> <p>22 proposed accommodation; correct?</p> <p>23 A. No.</p> <p>24 Q. Well, the second bullet point</p> <p>25 says -- the first full bullet point on</p>

<p style="text-align: right;">Page 290</p> <p>1 K. Shiber</p> <p>2 page Shiber 109 says, "Cheryl said they</p> <p>3 had put something in place for over that</p> <p>4 weekend and we would be in touch the next</p> <p>5 week to discuss specifics"; right?</p> <p>6 A. Yes.</p> <p>7 Q. And then you write, "at the</p> <p>8 beginning of the next week, she told me</p> <p>9 that the team had been informed I would be</p> <p>10 off for a certain amount of time each</p> <p>11 day".</p> <p>12 Do you recall that conversation?</p> <p>13 A. Yes.</p> <p>14 Q. Was that via e-mail or phone?</p> <p>15 A. That part I believe was over the</p> <p>16 phone.</p> <p>17 Q. And what do you recall about</p> <p>18 that conversation?</p> <p>19 A. Which, the put something in</p> <p>20 place over the weekend or at the beginning</p> <p>21 of the next week?</p> <p>22 Q. The sentence that says, "at the</p> <p>23 beginning of the next week, she told me</p> <p>24 the team had been informed I would be off</p> <p>25 for a certain amount of time each day".</p>	<p style="text-align: right;">Page 292</p> <p>1 K. Shiber</p> <p>2 through a series of discussions that you</p> <p>3 had with Ms. Robinson and/or Mr. Kim while</p> <p>4 you were at Centerview.</p> <p>5 Do you recall any aspect of</p> <p>6 those discussions or conversations that's</p> <p>7 not memorialized here in your bullet</p> <p>8 points?</p> <p>9 A. (Reviewing).</p> <p>10 Yes.</p> <p>11 Q. What is it that you recall</p> <p>12 that's not memorialized here?</p> <p>13 A. I recall that Tony stated that</p> <p>14 he could take me off of the deal that I</p> <p>15 was currently working on.</p> <p>16 Q. And what was your response to</p> <p>17 Tony stating that?</p> <p>18 A. That I did not want Tony to do</p> <p>19 that.</p> <p>20 Q. Why did you not want Tony to do</p> <p>21 that?</p> <p>22 A. At the time I felt like if he</p> <p>23 took me off the deal, that the other</p> <p>24 members of the deal team would perceive me</p> <p>25 as being incompetent and I was afraid that</p>
<p style="text-align: right;">Page 291</p> <p>1 K. Shiber</p> <p>2 So when Cheryl told you that,</p> <p>3 that was a phone conversation; is that</p> <p>4 right?</p> <p>5 A. I believe so.</p> <p>6 Q. And what do you remember about</p> <p>7 what was said during that phone</p> <p>8 conversation?</p> <p>9 A. I don't really remember the</p> <p>10 specifics.</p> <p>11 Q. And then you write, "the day</p> <p>12 after that, I e-mailed and asked for</p> <p>13 specifics on how to handle communicating</p> <p>14 that, whether I should tell my team</p> <p>15 members when I was signing off each day</p> <p>16 and whether the hours should change day by</p> <p>17 day depending on when our earliest</p> <p>18 engagement was the next day so that I</p> <p>19 could maximize the time I was available</p> <p>20 for the team. She responded that Tony had</p> <p>21 communicated to the team that I had a hard</p> <p>22 stop between midnight and 9:00 a.m."</p> <p>23 Do you see that?</p> <p>24 A. Yes.</p> <p>25 Q. Do you recall -- we just read</p>	<p style="text-align: right;">Page 293</p> <p>1 K. Shiber</p> <p>2 this would start a trend where I was -- I</p> <p>3 was not treated as having the abilities of</p> <p>4 the rest of the first year analysts in my</p> <p>5 deal assignments.</p> <p>6 Q. And you had testified and you</p> <p>7 put in your timeline that you did not want</p> <p>8 the team to be aware of your need to sign</p> <p>9 off; is that right?</p> <p>10 A. Yes.</p> <p>11 Q. Okay.</p> <p>12 How was the team supposed to</p> <p>13 work with you and respect that boundary if</p> <p>14 they didn't know that you needed to sign</p> <p>15 off at a period of time and not be</p> <p>16 working?</p> <p>17 A. I think what I really meant by</p> <p>18 not wanting the team to know was I didn't</p> <p>19 want the team to know that I was disabled</p> <p>20 and view me -- view me negatively or as</p> <p>21 less than because of that.</p> <p>22 Q. Did you explain that to Ms.</p> <p>23 Robinson as what you meant by you didn't</p> <p>24 want the team to know?</p> <p>25 A. Yes.</p>

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<p style="text-align: right;">Page 294</p> <p>1 K. Shiber</p> <p>2 Q. Did anyone at Centerview ever</p> <p>3 suggest that they would tell the team that</p> <p>4 you were disabled?</p> <p>5 A. What do you mean by "suggest"?</p> <p>6 Q. Did anyone at Centerview -- you</p> <p>7 testified that you did not want the team</p> <p>8 knowing that you were disabled.</p> <p>9 Did anyone at Centerview ever</p> <p>10 say that they were going to tell your team</p> <p>11 that you were disabled?</p> <p>12 A. No, they didn't say that.</p> <p>13 Q. And so what they said was they</p> <p>14 were going to tell your team that you</p> <p>15 would be signing off at a certain point</p> <p>16 and logging on at another time the next</p> <p>17 morning; right?</p> <p>18 A. Yes.</p> <p>19 Q. And that was necessary to</p> <p>20 communicate to the team so that the team</p> <p>21 would know to respect that boundary;</p> <p>22 correct?</p> <p>23 A. I don't know that that was</p> <p>24 necessary.</p> <p>25 Q. How would the team have been</p>	<p style="text-align: right;">Page 296</p> <p>1 K. Shiber</p> <p>2 during that time period without it being</p> <p>3 communicated as such"?</p> <p>4 A. Sorry, I mean submitted my work</p> <p>5 during that time period.</p> <p>6 Q. What time period?</p> <p>7 A. During the time period that</p> <p>8 Cheryl suggested that I would have been</p> <p>9 working with this plan in place.</p> <p>10 Q. And when you submitted your</p> <p>11 work, you would get comments from those</p> <p>12 working above you; correct?</p> <p>13 A. Yes.</p> <p>14 Q. And they would ask that you</p> <p>15 implemented your comments; correct?</p> <p>16 A. Yes.</p> <p>17 Q. And so how would people know if</p> <p>18 they were not made aware that you were</p> <p>19 offline at a certain point in time that</p> <p>20 they shouldn't expect a revised draft of</p> <p>21 whatever it is that you were working on if</p> <p>22 they were not told that you would have set</p> <p>23 hours?</p> <p>24 A. I think that different people,</p> <p>25 different teams, different firms have</p>
<p style="text-align: right;">Page 295</p> <p>1 K. Shiber</p> <p>2 able to function without knowing that one</p> <p>3 of the team members is not available while</p> <p>4 everyone else is working?</p> <p>5 A. First of all, I don't think that</p> <p>6 everyone else on the team was working the</p> <p>7 hours that I couldn't work as part of the</p> <p>8 guardrails.</p> <p>9 Also, even with those guardrails</p> <p>10 in place, that doesn't mean that -- there</p> <p>11 could have been different ways -- I guess</p> <p>12 what I'm trying to say is I could have</p> <p>13 still worked during those hours without</p> <p>14 like -- exclusively during those hours</p> <p>15 without it being communicated in this</p> <p>16 sign-on/signoff method.</p> <p>17 Q. How would that have worked?</p> <p>18 A. I can't say exactly how it would</p> <p>19 have worked, but as I mentioned, for</p> <p>20 example, I could have -- for example, in</p> <p>21 the -- I could have worked and submitted</p> <p>22 my hours during that time period without</p> <p>23 it being communicated as such.</p> <p>24 Q. I don't -- what does it mean "I</p> <p>25 could have worked and submitted my hours</p>	<p style="text-align: right;">Page 297</p> <p>1 K. Shiber</p> <p>2 different expectations and understandings</p> <p>3 of the response time on implementing</p> <p>4 changes.</p> <p>5 Q. And you understood that, at</p> <p>6 least on the deal that you were on, the</p> <p>7 live deal, the expectation was that it</p> <p>8 would be a quick turnaround time; right?</p> <p>9 A. I think quick is a broad -- I</p> <p>10 don't know what quick means.</p> <p>11 Q. What would happen if a team</p> <p>12 member sent you an urgent assignment while</p> <p>13 you were sleeping and they were not aware</p> <p>14 that you were not working?</p> <p>15 A. I don't know what would happen</p> <p>16 in that situation.</p> <p>17 Q. Wouldn't the impression that</p> <p>18 that would convey be that you were</p> <p>19 ignoring them?</p> <p>20 MR. HELLER: Objection.</p> <p>21 THE WITNESS: I don't know what</p> <p>22 impression they might -- they might</p> <p>23 have.</p> <p>24 Q. How would your not responding to</p> <p>25 an urgent e-mail while you were sleeping</p>

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<p style="text-align: right;">Page 298</p> <p>1 K. Shiber</p> <p>2 impact your reputation at Centerview?</p> <p>3 MR. HELLER: Objection.</p> <p>4 THE WITNESS: I don't know.</p> <p>5 Q. Wouldn't you presumably get an</p> <p>6 e-mail like the one you did get from Mr.</p> <p>7 Ernst on August 28 saying we need to</p> <p>8 discuss communications and that he and Mr.</p> <p>9 -- and Matt Gallea should not be up</p> <p>10 working alone?</p> <p>11 MR. HELLER: Objection.</p> <p>12 THE WITNESS: I don't know that</p> <p>13 everyone I ever worked with at</p> <p>14 Centerview would have sent such an</p> <p>15 e-mail.</p> <p>16 Q. How would you respond if you</p> <p>17 were sleeping and you received an urgent</p> <p>18 e-mail from a teammate asking you to get</p> <p>19 something done and then you didn't get it</p> <p>20 done and then the next morning you</p> <p>21 received an e-mail like the one you</p> <p>22 received from Mr. Ernst?</p> <p>23 MR. HELLER: Objection.</p> <p>24 THE WITNESS: I don't know that</p> <p>25 I've seen any example of Ernst sending</p>	<p style="text-align: right;">Page 300</p> <p>1 K. Shiber</p> <p>2 Q. So there would have not been a</p> <p>3 first year analyst available to do -- to</p> <p>4 cover the work that you couldn't get to</p> <p>5 while you were sleeping; correct?</p> <p>6 A. I don't know.</p> <p>7 Q. Well, in the case of the live</p> <p>8 deal team, there was not a first year</p> <p>9 analyst other than yourself on that team;</p> <p>10 correct?</p> <p>11 A. Correct.</p> <p>12 Q. Okay.</p> <p>13 So if you didn't respond to an</p> <p>14 e-mail that Tim Ernst sent while you were</p> <p>15 sleeping, Tim couldn't ask another first</p> <p>16 year analyst who was already on that team</p> <p>17 and was familiar with the deal to step in;</p> <p>18 correct?</p> <p>19 A. Since at the time there was no</p> <p>20 other first year analyst on the deal, Tim</p> <p>21 could not have asked another first year</p> <p>22 analyst anything who was on the deal.</p> <p>23 Q. And so was Tim supposed to do</p> <p>24 the work if he didn't get a response</p> <p>25 e-mail turning edits or getting something</p>
<p style="text-align: right;">Page 299</p> <p>1 K. Shiber</p> <p>2 me an urgent e-mail while I was</p> <p>3 sleeping.</p> <p>4 Q. Well, you've seen an example of</p> <p>5 Mr. Ernst asking where you didn't respond</p> <p>6 to an e-mail; isn't that right?</p> <p>7 A. In my read of this in this</p> <p>8 e-mail, it doesn't say that.</p> <p>9 Q. Who would have -- who was</p> <p>10 supposed to be covering your work while</p> <p>11 you were sleeping?</p> <p>12 A. At which point, on August 28?</p> <p>13 Q. No, if the guardrail proposal</p> <p>14 was instituted and no one on your team was</p> <p>15 told that you would be offline during a</p> <p>16 certain period of time, is there somebody</p> <p>17 who was supposed to -- who would have been</p> <p>18 doing the work when you didn't respond to</p> <p>19 an e-mail?</p> <p>20 A. I can't say what would have</p> <p>21 happened in that situation.</p> <p>22 Q. Was there another first year</p> <p>23 analyst on the team, on the live deal team</p> <p>24 at the time other than you?</p> <p>25 A. No.</p>	<p style="text-align: right;">Page 301</p> <p>1 K. Shiber</p> <p>2 done?</p> <p>3 MR. HELLER: Objection.</p> <p>4 THE WITNESS: I don't know.</p> <p>5 Q. Was Matt supposed to cover the</p> <p>6 work if you couldn't respond to an e-mail</p> <p>7 while you were sleeping?</p> <p>8 MR. HELLER: Objection.</p> <p>9 THE WITNESS: I don't know. No</p> <p>10 one ever discussed what was going to</p> <p>11 happen while I was sleeping with the</p> <p>12 accommodations that Cheryl and Tony</p> <p>13 agreed upon and put in place.</p> <p>14 Q. Well, you didn't want Centerview</p> <p>15 to communicate that you had to be offline</p> <p>16 during a certain period of time; right?</p> <p>17 A. When the accommodation was first</p> <p>18 proposed, I did not want that.</p> <p>19 Q. And after discussing the</p> <p>20 proposal and communicating the guardrails,</p> <p>21 the hours to the team with Mr. Kim, you</p> <p>22 changed your mind; correct?</p> <p>23 MR. HELLER: Objection.</p> <p>24 THE WITNESS: After discussing</p> <p>25 with Robinson and Kim the -- and</p>

<p style="text-align: right;">Page 302</p> <p>1 K. Shiber</p> <p>2 receiving assurances from Kim that</p> <p>3 there were a lot of reasons why</p> <p>4 someone might not be available at a</p> <p>5 certain time, that this wouldn't</p> <p>6 immediately expose that I had a</p> <p>7 disability to my team, yes, I realized</p> <p>8 that to put in place the specific</p> <p>9 accommodations they had proposed and</p> <p>10 have my team respect those boundaries,</p> <p>11 then the team would have to be made</p> <p>12 aware of them. So yes, after that</p> <p>13 conversation, I changed my mind.</p> <p>14 Q. Ms. Shiber, you have an</p> <p>15 Instagram, a page for your artwork;</p> <p>16 correct?</p> <p>17 A. Yes.</p> <p>18 Q. And is that handle</p> <p>19 @kathrynsiber?</p> <p>20 A. Yes.</p> <p>21 Q. When did you first create that</p> <p>22 Instagram page?</p> <p>23 A. I don't recall when it was first</p> <p>24 created.</p> <p>25 Q. Was it before you joined</p>	<p style="text-align: right;">Page 304</p> <p>1 K. Shiber</p> <p>2 A. Posted, yes.</p> <p>3 Q. And you were employed by</p> <p>4 Centerview on July 12; correct?</p> <p>5 A. Yes.</p> <p>6 Q. Is this an image of a photo that</p> <p>7 you took?</p> <p>8 A. Yes.</p> <p>9 Q. When did you take this photo?</p> <p>10 A. I don't recall.</p> <p>11 Q. Was it while you were employed</p> <p>12 by Centerview?</p> <p>13 A. No.</p> <p>14 Q. Was it before you were employed</p> <p>15 by Centerview?</p> <p>16 A. Yes.</p> <p>17 Q. And before uploading -- before</p> <p>18 posting this photo, did you make any edits</p> <p>19 to it or revise it in any way?</p> <p>20 A. Yes.</p> <p>21 Q. At what point in time were you</p> <p>22 editing the photo?</p> <p>23 A. I don't know.</p> <p>24 Q. Would it have been immediately</p> <p>25 prior to your posting it?</p>
<p style="text-align: right;">Page 303</p> <p>1 K. Shiber</p> <p>2 Centerview?</p> <p>3 A. I believe so.</p> <p>4 Q. And you were active on that page</p> <p>5 while you were at Centerview; correct?</p> <p>6 A. Yes.</p> <p>7 Q. How much time did you spend</p> <p>8 posting on the Shiber -- Kathryn Shiber</p> <p>9 Instagram page on a daily basis while you</p> <p>10 were employed by Centerview?</p> <p>11 A. I can't say.</p> <p>12 MS. SKIBITSKY: Can you mark</p> <p>13 this, please, Exhibit 13.</p> <p>14 (Whereupon, a multipage document</p> <p>15 was marked Defendant's Exhibit 13</p> <p>16 for identification.)</p> <p>17 Q. Ms. Shiber, you have in front of</p> <p>18 you a collection of posts from the Kathryn</p> <p>19 Shiber Instagram page that Centerview has</p> <p>20 produced.</p> <p>21 Do you recognize the first post</p> <p>22 on this page?</p> <p>23 A. Yes.</p> <p>24 Q. And this is from July 12, 2020.</p> <p>25 Do you see that?</p>	<p style="text-align: right;">Page 305</p> <p>1 K. Shiber</p> <p>2 A. I would have edited the photo</p> <p>3 initially upon taking the photo.</p> <p>4 Q. And before you posted it, would</p> <p>5 you have edited it further?</p> <p>6 A. Potentially.</p> <p>7 Q. Do you recall whether you edited</p> <p>8 this photo further?</p> <p>9 A. No.</p> <p>10 Q. Okay.</p> <p>11 And then let's go to the next</p> <p>12 page, which is Centerview 3040. This is</p> <p>13 another photo.</p> <p>14 Was this photo taken by you?</p> <p>15 A. Yes.</p> <p>16 Q. And it was posted on July 12,</p> <p>17 2020.</p> <p>18 Do you see that?</p> <p>19 A. Yes.</p> <p>20 Q. Do you recall when I took this</p> <p>21 photo?</p> <p>22 A. Not the exact date.</p> <p>23 Q. Did you take the photo while you</p> <p>24 were working at Centerview?</p> <p>25 A. No.</p>

<p style="text-align: right;">Page 306</p> <p>1 K. Shiber</p> <p>2 Q. Did you edit the photo while you</p> <p>3 were working at Centerview?</p> <p>4 A. I don't know.</p> <p>5 Q. And the subsequent photo is also</p> <p>6 posted on July 12, 2020.</p> <p>7 Do you see that?</p> <p>8 A. Yes.</p> <p>9 Q. And the geotag is Hanover, New</p> <p>10 Hampshire.</p> <p>11 Do you see that?</p> <p>12 A. Yes.</p> <p>13 Q. Were you in Hanover, New</p> <p>14 Hampshire when you posted the photo on</p> <p>15 July 12, 2020?</p> <p>16 A. No.</p> <p>17 Q. Did you take the photo while you</p> <p>18 were working at Centerview?</p> <p>19 A. No.</p> <p>20 Q. Did you edit the photo before</p> <p>21 posting it?</p> <p>22 A. Yes.</p> <p>23 Q. Did you edit it while working at</p> <p>24 Centerview?</p> <p>25 A. I don't know.</p>	<p style="text-align: right;">Page 308</p> <p>1 K. Shiber</p> <p>2 on July 12, 2020.</p> <p>3 Do you see that?</p> <p>4 A. Yes.</p> <p>5 Q. And the next page, which is</p> <p>6 Centerview 3033, was also posted on</p> <p>7 July 12, 2020.</p> <p>8 Do you see that?</p> <p>9 A. Yes.</p> <p>10 Q. And finally, the subsequent page</p> <p>11 was also posted on July 12, 2020, and</p> <p>12 that's Centerview 3084.</p> <p>13 Do you see that?</p> <p>14 A. Yes.</p> <p>15 Q. Do you recall posting these</p> <p>16 photos on July 12, 2020?</p> <p>17 A. I recall posting the photos. I</p> <p>18 don't recall the exact date. I presume it</p> <p>19 was July 12, 2020.</p> <p>20 Q. How much time would it have</p> <p>21 taken you to identify and decide to post</p> <p>22 these photos on the day that you posted</p> <p>23 them?</p> <p>24 A. I don't know exactly how much</p> <p>25 time it took.</p>
<p style="text-align: right;">Page 307</p> <p>1 K. Shiber</p> <p>2 Q. The next page which is</p> <p>3 Centerview 3139, that was also posted on</p> <p>4 July 12, 2020.</p> <p>5 Do you see that?</p> <p>6 A. Yes.</p> <p>7 Q. The next page was also posted</p> <p>8 July 12, 2020.</p> <p>9 Do you see that?</p> <p>10 A. Yes.</p> <p>11 Q. And that's Centerview 3118.</p> <p>12 The next page was also posted on</p> <p>13 July 12, 2020.</p> <p>14 Do you see that?</p> <p>15 A. Yes.</p> <p>16 Q. And that's Centerview 3069.</p> <p>17 Do you see that?</p> <p>18 A. Yes.</p> <p>19 Q. And the subsequent page is also</p> <p>20 posted on July 12, 2020, and that's</p> <p>21 Centerview 3075.</p> <p>22 Do you see that?</p> <p>23 A. Yes.</p> <p>24 Q. And then the following page,</p> <p>25 which is Centerview 3004, was also posted</p>	<p style="text-align: right;">Page 309</p> <p>1 K. Shiber</p> <p>2 Q. How much time did you devote to</p> <p>3 your art Instagram account on a daily</p> <p>4 basis while you were working at</p> <p>5 Centerview?</p> <p>6 A. I don't know exactly, and I</p> <p>7 don't think it was a daily basis.</p> <p>8 Q. Do you have an estimate of how</p> <p>9 much time on the days that you were</p> <p>10 working on your Instagram -- your art</p> <p>11 Instagram account, how much time on</p> <p>12 average you were spending on that account?</p> <p>13 A. I could estimate less than</p> <p>14 thirty minutes.</p> <p>15 Q. What time of day would you</p> <p>16 typically be posting on that art Instagram</p> <p>17 account while you were employed by</p> <p>18 Centerview?</p> <p>19 A. I don't know.</p> <p>20 Q. Do you know whether it would</p> <p>21 have been the morning?</p> <p>22 A. I don't know.</p> <p>23 Q. And you also maintained certain</p> <p>24 Tik Tok handles while you were employed by</p> <p>25 Centerview; correct?</p>

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<p style="text-align: right;">Page 310</p> <p>1 K. Shiber</p> <p>2 A. Yes.</p> <p>3 Q. Do you recall how much time you</p> <p>4 spent per day posting on Tik Tok while you</p> <p>5 were employed by Centerview?</p> <p>6 A. No.</p> <p>7 Q. Other than creating social media</p> <p>8 content, what were the other hobbies that</p> <p>9 you had during your employment at</p> <p>10 Centerview?</p> <p>11 A. My hobbies were creating art and</p> <p>12 reading. Those were my main hobbies.</p> <p>13 Q. How much time would you spend</p> <p>14 reading on average per day while you were</p> <p>15 employed by Centerview?</p> <p>16 A. I don't know.</p> <p>17 Q. Was it more than one hour per</p> <p>18 day that you would spend reading while at</p> <p>19 Centerview?</p> <p>20 A. No.</p> <p>21 Q. Was it more than one hour per</p> <p>22 day that you would spend on Tik Tok while</p> <p>23 at Centerview?</p> <p>24 A. I don't know.</p> <p>25 Q. Do you know whether it was more</p>	<p style="text-align: right;">Page 312</p> <p>1 K. Shiber</p> <p>2 Q. And this was posted on</p> <p>3 August 19, 2020; correct?</p> <p>4 A. Yes.</p> <p>5 Q. Did you post this -- did you</p> <p>6 take this head shot while you were</p> <p>7 employed by Centerview?</p> <p>8 A. No. I did not take the head</p> <p>9 shot while I was employed by Centerview.</p> <p>10 Q. Did you -- when did you take the</p> <p>11 head shot?</p> <p>12 A. I took the head shot while I was</p> <p>13 in school. I don't know the exact date.</p> <p>14 Q. And did you spend time editing</p> <p>15 the head shot before you posted it?</p> <p>16 A. After taking the photo, yes, I</p> <p>17 edited it.</p> <p>18 Q. And did you edit it while you</p> <p>19 were employed by Centerview?</p> <p>20 A. No.</p> <p>21 Q. Did you take any photos -- did</p> <p>22 you take any head shots while you were</p> <p>23 employed by Centerview?</p> <p>24 A. Can you define a head shot,</p> <p>25 please?</p>
<p style="text-align: right;">Page 311</p> <p>1 K. Shiber</p> <p>2 than a half hour a day that you would</p> <p>3 spend on Tik Tok while you were at</p> <p>4 Centerview?</p> <p>5 A. I don't know.</p> <p>6 Q. How much time would you spend on</p> <p>7 Instagram during your employment at</p> <p>8 Centerview?</p> <p>9 A. I don't know.</p> <p>10 Q. Was it more than one hour per</p> <p>11 day?</p> <p>12 A. I don't know.</p> <p>13 Q. Was it more than a half hour per</p> <p>14 day?</p> <p>15 A. I don't know.</p> <p>16 Q. Let's skip to in the exhibit in</p> <p>17 front of you the page Centerview 2953.</p> <p>18 They're in chronological order. That's a</p> <p>19 head shot.</p> <p>20 So that's Centerview 2953.</p> <p>21 Do you see that?</p> <p>22 A. Yes.</p> <p>23 Q. Is this a head shot that you</p> <p>24 took?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 313</p> <p>1 K. Shiber</p> <p>2 Q. Did you take any photos of</p> <p>3 individuals while you were employed by</p> <p>4 Centerview?</p> <p>5 A. Yes.</p> <p>6 Q. Did you do that for commissions?</p> <p>7 A. No.</p> <p>8 Q. What you do -- what was the</p> <p>9 purpose of you are taking photos of</p> <p>10 individuals while you were employed by</p> <p>11 Centerview?</p> <p>12 A. I took photos of other people as</p> <p>13 part of documenting life and -- yeah.</p> <p>14 Q. Let's look at the -- it's the</p> <p>15 sort of third from last page in</p> <p>16 Exhibit 13.</p> <p>17 Are these photos that you took?</p> <p>18 A. Yes.</p> <p>19 Q. And are they photos that you</p> <p>20 took in Central Park?</p> <p>21 A. Yes.</p> <p>22 Q. Did you take these photos while</p> <p>23 you were employed by Centerview?</p> <p>24 A. I don't recall.</p> <p>25 Q. Do you recall being in New York</p>

<p style="text-align: right;">Page 314</p> <p>1 K. Shiber</p> <p>2 City on September 1, 2012?</p> <p>3 MS. SKIBITSKY: Strike that.</p> <p>4 Q. Do you recall being in New York</p> <p>5 City on September 1, 2020?</p> <p>6 A. I don't recall.</p> <p>7 Q. Do you recall taking these</p> <p>8 photos?</p> <p>9 A. Yes.</p> <p>10 Q. And you don't recall when you</p> <p>11 took these photos?</p> <p>12 A. No.</p> <p>13 Q. How long after you take a photo</p> <p>14 do you generally post it on Instagram?</p> <p>15 A. It could be a wide range. Some</p> <p>16 of these photos are several years old.</p> <p>17 Q. You did make money on your</p> <p>18 artwork while you were at Centerview;</p> <p>19 correct?</p> <p>20 A. I don't recall.</p> <p>21 Q. You don't recall whether you</p> <p>22 sold any artwork while you were employed</p> <p>23 by Centerview?</p> <p>24 A. No, I don't recall.</p> <p>25 Q. Do you recall that you told</p>	<p style="text-align: right;">Page 316</p> <p>1 K. Shiber</p> <p>2 February 12, 2021 was marked</p> <p>3 Defendant's Exhibit 14</p> <p>4 for identification.)</p> <p>5 Q. Ms. Shiber, you have in front of</p> <p>6 you Exhibit 14?</p> <p>7 A. Yes.</p> <p>8 Q. And this -- the top e-mail is an</p> <p>9 e-mail from yourself to</p> <p>10 hunterkiessling@dartmouth.edu.</p> <p>11 Do you see that?</p> <p>12 A. Yes.</p> <p>13 Q. And that e-mail is dated</p> <p>14 February 12, 2021; correct?</p> <p>15 A. Yes.</p> <p>16 Q. Okay.</p> <p>17 Let's turn to the first in time</p> <p>18 e-mail, which is on Shiber 185.</p> <p>19 And that's dated November 4,</p> <p>20 2020; right?</p> <p>21 A. Yes.</p> <p>22 Q. And you write to Dick's House</p> <p>23 medical records; is that right?</p> <p>24 A. Yes.</p> <p>25 Q. And you say, "hi, I would like</p>
<p style="text-align: right;">Page 315</p> <p>1 K. Shiber</p> <p>2 Centerview and requested the opportunity</p> <p>3 -- the ability to be able to make money by</p> <p>4 selling your artwork?</p> <p>5 A. Yes.</p> <p>6 Q. And that request was granted;</p> <p>7 correct?</p> <p>8 A. Yes.</p> <p>9 Q. And how much time did you devote</p> <p>10 to your artwork on a daily basis while you</p> <p>11 were employed by Centerview?</p> <p>12 A. I don't know.</p> <p>13 Q. In February, 2021, you reached</p> <p>14 out to Dartmouth to collect your medical</p> <p>15 records; is that right?</p> <p>16 A. Yes.</p> <p>17 Q. Why do you reach out to</p> <p>18 Dartmouth in February --</p> <p>19 MS. SKIBITSKY: Strike that.</p> <p>20 Q. You reached out to Dartmouth as</p> <p>21 early as November, 2020 to request your</p> <p>22 medical records; correct?</p> <p>23 A. I don't recall when I first</p> <p>24 reached out.</p> <p>25 (Whereupon, an e-mail dated</p>	<p style="text-align: right;">Page 317</p> <p>1 K. Shiber</p> <p>2 to request a copy of my medical records.</p> <p>3 This is in preparation for a potential</p> <p>4 lawsuit, so I would like to see whatever</p> <p>5 would be released if it were requested as</p> <p>6 part of discovery in the lawsuit".</p> <p>7 Do you see that?</p> <p>8 A. Yes.</p> <p>9 Q. And you received certain records</p> <p>10 in response to that request; right?</p> <p>11 A. Yes.</p> <p>12 Q. And you were confused about</p> <p>13 those records once you received them;</p> <p>14 right?</p> <p>15 A. Yes.</p> <p>16 Q. And you were confused because</p> <p>17 you believed that you had been diagnosed</p> <p>18 with bipolar disorder?</p> <p>19 A. That was one of the reasons.</p> <p>20 Q. What were the other reasons, if</p> <p>21 any?</p> <p>22 A. I also felt that -- I was not</p> <p>23 familiar with what doctors and medical</p> <p>24 professionals typically write in the notes</p> <p>25 and I was confused because I thought that</p>

<p style="text-align: right;">Page 318</p> <p>1 K. Shiber</p> <p>2 some records may not be as comprehensive</p> <p>3 as I, not knowing anything, would have</p> <p>4 imagined.</p> <p>5 Q. What would you have imagined the</p> <p>6 records to include that they didn't?</p> <p>7 A. I don't know specifics that I</p> <p>8 thought were not included beyond this</p> <p>9 bipolar diagnosis.</p> <p>10 Q. And you did receive certain</p> <p>11 records in response to this request;</p> <p>12 right?</p> <p>13 A. Yes.</p> <p>14 Q. And did you preserve those</p> <p>15 records?</p> <p>16 A. Yes.</p> <p>17 Q. Okay.</p> <p>18 Do you know why those records</p> <p>19 weren't produced in connection with this</p> <p>20 litigation?</p> <p>21 MR. HELLER: Objection.</p> <p>22 THE WITNESS: I believe they</p> <p>23 were, as we provided -- I believe they</p> <p>24 were.</p> <p>25 MS. SKIBITSKY: Okay.</p>	<p style="text-align: right;">Page 320</p> <p>1 K. Shiber</p> <p>2 am confused about the contents. The two</p> <p>3 of you diagnosed me with bipolar disorder</p> <p>4 and prescribed the appropriate medication,</p> <p>5 which I have now been taking successfully</p> <p>6 for several years, yet this is not</p> <p>7 mentioned in the record that you sent</p> <p>8 over. Please send me over the relevant</p> <p>9 notes and/or records supporting this or</p> <p>10 any additional documentation you can</p> <p>11 provide which supports this diagnosis and</p> <p>12 subsequent corresponding treatment".</p> <p>13 Do you see this?</p> <p>14 A. Yes.</p> <p>15 Q. Why did you believe that -- did</p> <p>16 you believe that you had been diagnosed</p> <p>17 with bipolar by Nurse Verdi and Dr. Hu?</p> <p>18 A. Yes, I believe that.</p> <p>19 Q. Why do you believe that?</p> <p>20 A. When I spoke with Verdi, when we</p> <p>21 spoke about my condition and -- I thought</p> <p>22 that she had said that that was the</p> <p>23 diagnosis and she described the medication</p> <p>24 that I was on for mood disorder as</p> <p>25 something that is used during bipolar</p>
<p style="text-align: right;">Page 319</p> <p>1 K. Shiber</p> <p>2 Can we look at tab -- we're</p> <p>3 going to mark Exhibit 15.</p> <p>4 (Whereupon, an e-mail dated</p> <p>5 February 12, 2021 was marked</p> <p>6 Defendant's Exhibit 15</p> <p>7 for identification.)</p> <p>8 Q. Ms. Shiber, do you have</p> <p>9 Exhibit 15 in front of you?</p> <p>10 A. Yes.</p> <p>11 Q. This is an e-mail from yourself</p> <p>12 to Marylee Verdi and Da-shih Hu at</p> <p>13 Dartmouth; correct?</p> <p>14 A. Yes.</p> <p>15 Q. And Marylee is Nurse Marylee who</p> <p>16 we've spoken about; correct?</p> <p>17 A. Yes.</p> <p>18 Q. And Dr. Hu is a doctor at</p> <p>19 Dartmouth who you saw; correct?</p> <p>20 A. Yes.</p> <p>21 Q. And you write in this e-mail,</p> <p>22 "hi, Marylee and Dr. Hu, I hope you're</p> <p>23 doing well. I am writing about my medical</p> <p>24 records from my time at Dartmouth. I</p> <p>25 recently requested my medical records and</p>	<p style="text-align: right;">Page 321</p> <p>1 K. Shiber</p> <p>2 treatment and that I was taking that</p> <p>3 medication and responding well to it, so I</p> <p>4 was under the impression that they had</p> <p>5 diagnosed me with bipolar disorder.</p> <p>6 Q. At the time that you requested</p> <p>7 an accommodation from Centerview, did you</p> <p>8 believe that you had been diagnosed with</p> <p>9 bipolar disorder?</p> <p>10 A. Yes.</p> <p>11 Q. And what did you mean when you</p> <p>12 asked for "or any additional documentation</p> <p>13 you can provide which supports this</p> <p>14 diagnosis"? What is it that you were</p> <p>15 specifically asking for?</p> <p>16 A. I meant that, as I mentioned,</p> <p>17 since these -- my understanding of the</p> <p>18 diagnosis was in large part due to my</p> <p>19 verbal conversations with -- specifically</p> <p>20 with Verdi, I meant that perhaps she could</p> <p>21 provide documentation that referenced what</p> <p>22 I perceived to have been the diagnosis and</p> <p>23 subsequent corresponding treatment as we</p> <p>24 discussed in those conversations.</p> <p>25 Q. Were you asking her to create</p>

<p style="text-align: right;">Page 322</p> <p>1 K. Shiber</p> <p>2 records which would support a diagnosis of</p> <p>3 bipolar disorder?</p> <p>4 A. I was asked her to create</p> <p>5 records which accurately described what</p> <p>6 she believed to be my diagnosis.</p> <p>7 Q. Why did you think that Nurse</p> <p>8 Verdi believed bipolar to be your</p> <p>9 diagnosis?</p> <p>10 A. Because she had told me that I</p> <p>11 had exhibited signs of a mood disorder</p> <p>12 which is similar to bipolar disorder. And</p> <p>13 when she described the medication that she</p> <p>14 was putting -- that she was recommending I</p> <p>15 be prescribed, she said that the</p> <p>16 medication was for the treatment of</p> <p>17 bipolar disorder.</p> <p>18 Q. So you were asking her to create</p> <p>19 a medical record in February, 2021;</p> <p>20 correct?</p> <p>21 MR. HELLER: Objection.</p> <p>22 THE WITNESS: No. I was just</p> <p>23 asking for documentation.</p> <p>24 Q. And did you receive that</p> <p>25 documentation that would have supported a</p>	<p style="text-align: right;">Page 324</p> <p>1 K. Shiber</p> <p>2 at the one you just handed, just to be</p> <p>3 clear?</p> <p>4 MS. SKIBITSKY: Right, Exhibit 3.</p> <p>5 Q. Okay.</p> <p>6 And Ms. Shiber, we discussed</p> <p>7 this document previously.</p> <p>8 You recognize this as your</p> <p>9 initial disclosures in this case?</p> <p>10 A. Yes.</p> <p>11 Q. Can we look at the last page,</p> <p>12 page ten. And under the section front pay</p> <p>13 for the next five years, the second</p> <p>14 paragraph says, "Shiber also seeks</p> <p>15 compensatory damages for the emotional</p> <p>16 anxiety, distress, and significant</p> <p>17 diminution in the quality of her life as a</p> <p>18 result of Centerview's discrimination".</p> <p>19 Do you see that?</p> <p>20 A. Yes.</p> <p>21 Q. What are the physical</p> <p>22 manifestations of the emotional anxiety</p> <p>23 and distress that you are claiming you</p> <p>24 experienced as a result of Centerview's</p> <p>25 conduct?</p>
<p style="text-align: right;">Page 323</p> <p>1 K. Shiber</p> <p>2 bipolar diagnosis?</p> <p>3 A. No.</p> <p>4 Q. In February, 2021, you asked</p> <p>5 Nurse Verdi and Dr. Hu to write you a</p> <p>6 letter; is that right?</p> <p>7 A. I don't recall.</p> <p>8 MR. HELLER: When we get a</p> <p>9 second, we could take a break. We've</p> <p>10 been going like an hour and a half.</p> <p>11 MS. SKIBITSKY: We can take a</p> <p>12 break.</p> <p>13 THE VIDEOGRAPHER: We are now off</p> <p>14 the record.</p> <p>15 The time on the video monitor is</p> <p>16 6:03 p.m.</p> <p>17 (Whereupon a break was taken)</p> <p>18 THE VIDEOGRAPHER: We are now</p> <p>19 back on the record.</p> <p>20 The time on the video monitor is</p> <p>21 6:16 p.m.</p> <p>22 Q. Ms. Shiber, can we look at</p> <p>23 Exhibit 3 in front of you, which is</p> <p>24 Plaintiff's initial disclosures.</p> <p>25 MR. HELLER: So we're not looking</p>	<p style="text-align: right;">Page 325</p> <p>1 K. Shiber</p> <p>2 MR. HELLER: Objection.</p> <p>3 THE WITNESS: What do you mean</p> <p>4 by "physical manifestations"?</p> <p>5 Q. Do you have any physical</p> <p>6 symptoms as a result of any emotional</p> <p>7 anxiety --</p> <p>8 MS. SKIBITSKY: Let me take a</p> <p>9 step back.</p> <p>10 Q. What is the emotional anxiety</p> <p>11 that you believe is as a result of</p> <p>12 Centerview's discrimination that you were</p> <p>13 experiencing?</p> <p>14 A. There are a lot of different</p> <p>15 levels of anxiety and distress that I'm</p> <p>16 experiencing as a result of Centerview's</p> <p>17 discrimination.</p> <p>18 I'm experiencing low</p> <p>19 self-esteem. I am experiencing</p> <p>20 hopelessness that I will be ever able to</p> <p>21 -- that I will ever be able to be part of</p> <p>22 the industry that I had dreamt of and</p> <p>23 intended to be in. I'm experiencing</p> <p>24 hopelessness that my hard work doesn't</p> <p>25 matter because I could just at any point</p>

<p style="text-align: right;">Page 326</p> <p>1 K. Shiber</p> <p>2 lose what I'm working at due to being</p> <p>3 stigmatized due to having a disability. I</p> <p>4 have experienced anxiety about what -- and</p> <p>5 distress about what to tell people when</p> <p>6 they asked -- when they ask why I only</p> <p>7 worked at Centerview for three months, how</p> <p>8 I'm supposed to explain that to potential</p> <p>9 employers; what to say in an interview</p> <p>10 should they ask about that; anxiety that I</p> <p>11 could never find a job comparable to the</p> <p>12 one that I had at Centerview; that my life</p> <p>13 is permanently marked by this incident;</p> <p>14 that people view me as less capable and</p> <p>15 less competent because of my disability; I</p> <p>16 that should anyone -- I have constant</p> <p>17 anxiety that should anyone I work with</p> <p>18 ever find out about my being disabled,</p> <p>19 that I will experience bad outcomes, I</p> <p>20 will experience discrimination.</p> <p>21 I have anxiety that any time I</p> <p>22 meet with my manager at my current job, I</p> <p>23 think that she's going to fire me. I have</p> <p>24 ongoing like distress about what happened.</p> <p>25 I'm afraid to ever ask for -- or to ever</p>	<p style="text-align: right;">Page 328</p> <p>1 K. Shiber</p> <p>2 -- those are new things that I had</p> <p>3 never experienced before being</p> <p>4 terminated from Centerview and I've</p> <p>5 also experienced exacerbation of my</p> <p>6 existing disabilities of anxiety and</p> <p>7 mood disorders. I've experienced</p> <p>8 exacerbation of the symptoms I've</p> <p>9 listed this morning.</p> <p>10 Q. How do you know that</p> <p>11 Centerview's -- how do you know that your</p> <p>12 termination from Centerview is the result</p> <p>13 of what you claim to be exacerbations of</p> <p>14 the symptoms you listed this morning?</p> <p>15 A. I think my termination from</p> <p>16 Centerview was not the result of</p> <p>17 exacerbation of the symptoms.</p> <p>18 Q. I might have misstated that.</p> <p>19 Let me try it again.</p> <p>20 How do you know that your</p> <p>21 termination from Centerview caused</p> <p>22 exacerbation of the symptoms that you've</p> <p>23 identified this morning?</p> <p>24 A. I know because I've experienced</p> <p>25 how any time I've thought about the word</p>
<p style="text-align: right;">Page 327</p> <p>1 K. Shiber</p> <p>2 mention to anyone or request any</p> <p>3 accommodations to cope with my disability</p> <p>4 in the future.</p> <p>5 I'm distressed about my</p> <p>6 reputation and the results of -- I've had</p> <p>7 ruminating thoughts about what was</p> <p>8 everyone saying about the fact that I was</p> <p>9 fired so soon and, to my knowledge, the</p> <p>10 only analyst to be terminated in their</p> <p>11 first year of working at Centerview. And</p> <p>12 I just have anxiety that I will never be</p> <p>13 treated as an equal in the workplace.</p> <p>14 Q. Do you have any -- have you</p> <p>15 experienced any medical symptoms as a</p> <p>16 result of that anxiety other than what</p> <p>17 you've just --</p> <p>18 MS. SKIBITSKY: Strike that.</p> <p>19 Q. Have you experienced any</p> <p>20 symptoms as a result of that anxiety other</p> <p>21 than what you've just identified?</p> <p>22 MR. HELLER: Objection.</p> <p>23 THE WITNESS: I think what I've</p> <p>24 described -- I'm trying to describe</p> <p>25 that I've experienced exacerbation of</p>	<p style="text-align: right;">Page 329</p> <p>1 K. Shiber</p> <p>2 "Centerview", my heart rate is elevated.</p> <p>3 Any time I think about working at the firm</p> <p>4 I have racing thoughts, I have</p> <p>5 ruminations, I have depression about how I</p> <p>6 was treated and the experience that I've</p> <p>7 had since then and whether it's -- so in</p> <p>8 part, I know because the things I</p> <p>9 previously listed specifically in regards</p> <p>10 to concerns about treatment in the</p> <p>11 workplace, I never had those before being</p> <p>12 terminated from Centerview. And then in</p> <p>13 terms of just exacerbation of continuing</p> <p>14 things, I know because it's specifically</p> <p>15 triggered -- it's specifically triggered</p> <p>16 by any reference to Centerview. And also</p> <p>17 just in general it's just -- is made</p> <p>18 worse, has been worse following</p> <p>19 Centerview's termination of me and the</p> <p>20 things that have happened in my life as a</p> <p>21 result of that termination since then.</p> <p>22 Q. Have you seen any medical</p> <p>23 providers in order to treat or deal with</p> <p>24 what you've just identified as the</p> <p>25 consequences from your perspective of the</p>

<p style="text-align: right;">Page 330</p> <p>1 K. Shiber 2 termination by Centerview? 3 A. Yes. 4 Q. And who was the first medical 5 provider you saw in order to treat the 6 symptoms that you've just identified as 7 being a result of your termination from 8 Centerview? 9 A. I believe the -- I believe the 10 first one was Amy Eiten. 11 Q. And when did you first see Amy 12 Eiten? 13 A. I don't recall. 14 Q. Did you see her in 2020? 15 A. No. 16 Can I take back my statement 17 that she was the first one? 18 Q. Sure. 19 Who was the first provider that 20 you saw to deal with what you've 21 identified as the symptoms of the 22 termination from Centerview? 23 A. I don't recall the first one. 24 Q. Okay. 25 Was there somebody prior to Amy</p>	<p style="text-align: right;">Page 332</p> <p>1 K. Shiber 2 A. Sorry, what do you mean by 3 "physical symptoms"? 4 Q. Something other than a state of 5 mind. 6 A. Yes. 7 Q. Okay. 8 And what are those physical 9 symptoms? 10 A. Elevated heart rate, difficulty 11 falling asleep, difficulty focusing, 12 increased perspiration. There may be 13 additional that I'm not listing now as I 14 don't tend to think about them 15 specifically as physical. 16 Q. Heart rate, difficulty falling 17 asleep, difficulty focusing, and increased 18 perspiration, those are the physical 19 manifestations of the emotional distress 20 that you claim Centerview has caused? 21 A. I mean, in terms of physical 22 manifestations, I've also avoided being in 23 situations where the situation with 24 Centerview might come up, withdrawn from 25 social settings, increased fatigue.</p>
<p style="text-align: right;">Page 331</p> <p>1 K. Shiber 2 Eiten? 3 A. I just don't recall the timing, 4 so -- 5 Q. Okay. 6 Who is it that you are thinking 7 of? 8 A. Well, I sought -- I don't recall 9 if I -- Dr. McGugins Hill. I don't recall 10 what the order that I saw them in. 11 Q. And who is Dr. McGugins Hill? 12 A. She is a primary care physician. 13 Q. Okay. 14 And did she treat you for any of 15 the symptoms you've just identified? 16 A. Can you define "treat"? 17 Q. Did you speak to her about any 18 of the symptoms you've just identified? 19 A. Yes. 20 Q. Okay. 21 Are you experiencing any 22 physical or have you or are you currently 23 experiencing any physical symptoms as a 24 result of the emotional distress that you 25 claim Centerview caused?</p>	<p style="text-align: right;">Page 333</p> <p>1 K. Shiber 2 Q. And you had difficulty falling 3 asleep before you were employed by 4 Centerview; right? 5 A. At times. 6 Q. And you had difficulty focusing 7 before you were employed by Centerview; 8 right? 9 A. At times. 10 Q. Okay. 11 What is the name of the doctor 12 who you said you saw to treat the symptoms 13 that you claim are the result of your 14 termination from Centerview? 15 A. I saw several doctors. 16 Q. Okay. 17 What is the -- 18 A. You mean the first one? 19 Q. The first one, yes. 20 A. I said it was McGugins Hill. It 21 might have been Eiten. I can't recall. 22 Q. And that's Dr. Jennifer McGugins 23 Hill in Park Ridge, New Jersey? 24 A. Yes. 25 Q. And did Dr. McGugins Hill</p>

<p style="text-align: right;">Page 334</p> <p>1 K. Shiber</p> <p>2 prescribe you any medication to treat any</p> <p>3 of the symptoms that you've identified</p> <p>4 resulting from your termination from</p> <p>5 Centerview?</p> <p>6 A. Yes.</p> <p>7 Q. What did Dr. McGugins Hill</p> <p>8 prescribe?</p> <p>9 A. Fluoxetine and lamotrigine.</p> <p>10 Q. And what is fluoxetine?</p> <p>11 A. It is a medication. The brand</p> <p>12 name is Prozac. It's typically used for</p> <p>13 anxiety -- treatment of anxiety and</p> <p>14 depression.</p> <p>15 Q. And you had previously been on</p> <p>16 that medication while you were at</p> <p>17 Dartmouth; correct?</p> <p>18 A. Yes.</p> <p>19 Q. Were you on that medication</p> <p>20 while you were employed by Centerview?</p> <p>21 A. Yes.</p> <p>22 Q. At what point in time did you</p> <p>23 stop going on that medication?</p> <p>24 MS. SKIBITSKY: Strike that.</p> <p>25 Q. At what point this time did you</p>	<p style="text-align: right;">Page 336</p> <p>1 K. Shiber</p> <p>2 A. Lamotrigine.</p> <p>3 Q. And were you taking lamotrigine</p> <p>4 before you saw Dr. McGugins Hill?</p> <p>5 A. Yes.</p> <p>6 Q. When did you start taking that</p> <p>7 medication?</p> <p>8 A. I don't recall.</p> <p>9 Q. Was it while you were at</p> <p>10 Dartmouth?</p> <p>11 A. Yes.</p> <p>12 Q. And were you taking that</p> <p>13 medication while you were employed by</p> <p>14 Centerview?</p> <p>15 A. Yes.</p> <p>16 Q. And were you taking that</p> <p>17 medication at the time that you met with</p> <p>18 Dr. McGugins Hill and she prescribed that</p> <p>19 medication?</p> <p>20 A. Yes.</p> <p>21 Q. Did she increase that</p> <p>22 medication, the dosage?</p> <p>23 A. No.</p> <p>24 Q. Did she decrease the dosage of</p> <p>25 that medication?</p>
<p style="text-align: right;">Page 335</p> <p>1 K. Shiber</p> <p>2 stop taking fluoxetine?</p> <p>3 A. In about the spring of 2022.</p> <p>4 Q. And so you saw Dr. McGugins Hill</p> <p>5 in -- at some point after the spring of</p> <p>6 2022; is that correct?</p> <p>7 A. No.</p> <p>8 Q. Did she -- you testified that</p> <p>9 she prescribed you fluoxetine; is that</p> <p>10 right?</p> <p>11 A. Yes.</p> <p>12 Q. Were you taking that already I</p> <p>13 by the time that you saw her?</p> <p>14 A. Yes.</p> <p>15 Q. Did she increase your dosage?</p> <p>16 A. No.</p> <p>17 Q. Did she decrease your dosage?</p> <p>18 A. No.</p> <p>19 Q. So your dosage of fluoxetine</p> <p>20 remained the same as a result of your</p> <p>21 seeing Dr. McGugins Hill?</p> <p>22 A. Yes.</p> <p>23 Q. And what was the name of the</p> <p>24 second medication that Dr. McGugins Hill</p> <p>25 prescribed you?</p>	<p style="text-align: right;">Page 337</p> <p>1 K. Shiber</p> <p>2 A. No.</p> <p>3 Q. Oh, what other medications or</p> <p>4 treatment, if any, did Dr. McGugins Hill</p> <p>5 prescribe when you saw her to treat the</p> <p>6 symptoms that you've identified as being</p> <p>7 caused by your termination from</p> <p>8 Centerview?</p> <p>9 A. She recommended that I see a</p> <p>10 psychiatrist and therapist.</p> <p>11 Q. Is that it? Any other</p> <p>12 treatments or recommendations?</p> <p>13 A. Yes. She recommended a variety</p> <p>14 of factors related to having a healthy</p> <p>15 lifestyle, including maintaining a sleep</p> <p>16 schedule and regular exercise, nutritious</p> <p>17 eating. I don't recall the entire list.</p> <p>18 Q. And when you were at Dartmouth,</p> <p>19 your providers also recommended that you</p> <p>20 see a therapist; correct?</p> <p>21 A. Yes.</p> <p>22 Q. And they also recommended that</p> <p>23 you see a psychiatrist; correct?</p> <p>24 A. Yes.</p> <p>25 Q. And when you were at Dartmouth,</p>

<p style="text-align: right;">Page 338</p> <p>1 K. Shiber</p> <p>2 your providers also recommended that you</p> <p>3 have a healthy lifestyle; correct?</p> <p>4 A. Yes.</p> <p>5 Q. And they also recommended that</p> <p>6 you maintain a sleep schedule and regular</p> <p>7 exercise; correct?</p> <p>8 A. Yes.</p> <p>9 Q. Did they also recommend -- your</p> <p>10 providers at Dartmouth, did your providers</p> <p>11 at Dartmouth also recommend that you</p> <p>12 maintain nutritious eating habits?</p> <p>13 A. Yes.</p> <p>14 Q. Did Dr. McGugins Hill prescribe</p> <p>15 any other treatments or prescribe any</p> <p>16 medication that you haven't already</p> <p>17 identified?</p> <p>18 A. I don't recall.</p> <p>19 Q. And did you see a therapist or a</p> <p>20 psychiatrist at the recommendation of Dr.</p> <p>21 McGugins Hill?</p> <p>22 A. Yes.</p> <p>23 Q. Who did you see?</p> <p>24 A. I don't recall the order of who</p> <p>25 I saw at which time.</p>	<p style="text-align: right;">Page 340</p> <p>1 K. Shiber</p> <p>2 A. Yes.</p> <p>3 Q. And do you know what Amy Eiten's</p> <p>4 medical qualifications are, if any?</p> <p>5 A. I don't recall.</p> <p>6 Q. And how long did you see Amy</p> <p>7 Eiten?</p> <p>8 A. I don't recall.</p> <p>9 Q. Did she diagnose you with any</p> <p>10 medical conditions -- has she diagnosed</p> <p>11 you with any medical conditions?</p> <p>12 A. I don't know.</p> <p>13 Q. Are you still seeing Amy Eiten?</p> <p>14 A. No.</p> <p>15 Q. And you don't know whether she's</p> <p>16 diagnosed you with any medical conditions.</p> <p>17 How do you not know whether</p> <p>18 she's diagnosed you with any medical</p> <p>19 conditions?</p> <p>20 MR. HELLER: Objection.</p> <p>21 THE WITNESS: When -- in my</p> <p>22 experience, when you speak to a</p> <p>23 provider, there's not necessarily a</p> <p>24 formal point at which they say I've</p> <p>25 diagnosed you with any specific</p>
<p style="text-align: right;">Page 339</p> <p>1 K. Shiber</p> <p>2 Q. Okay.</p> <p>3 Did you see Amy Eiten?</p> <p>4 A. Yes.</p> <p>5 Q. Okay.</p> <p>6 And who is Amy Eiten?</p> <p>7 A. A therapist.</p> <p>8 MS. SKIBITSKY: Can you mark this</p> <p>9 document.</p> <p>10 (Whereupon, an e-mail dated</p> <p>11 March 18, 2021 was marked Defendant's</p> <p>12 Exhibit 16 for identification.)</p> <p>13 Q. Okay.</p> <p>14 Ms. Shiber, do you recognize</p> <p>15 this e-mail as between yourself and Amy</p> <p>16 Eiten?</p> <p>17 A. Yes.</p> <p>18 Q. And it's dated March 18, 2021;</p> <p>19 correct?</p> <p>20 A. Yes.</p> <p>21 Q. And this is marked Shiber 118?</p> <p>22 A. Yes.</p> <p>23 Q. This e-mail dated March 18,</p> <p>24 2021, does this refresh your recollection</p> <p>25 as to when you started seeing Amy Eiten?</p>	<p style="text-align: right;">Page 341</p> <p>1 K. Shiber</p> <p>2 medical condition.</p> <p>3 Q. Okay.</p> <p>4 And Amy Eiten is -- doesn't have</p> <p>5 a medical degree; is that right?</p> <p>6 A. I don't know.</p> <p>7 Q. She's a licensed clinical social</p> <p>8 worker; is that right?</p> <p>9 A. I don't know.</p> <p>10 Q. And who else have you seen --</p> <p>11 have you seen any other therapists or</p> <p>12 psychiatrists at the recommendation of Dr.</p> <p>13 McGugins Hill or otherwise since your</p> <p>14 termination from Centerview?</p> <p>15 A. Yes.</p> <p>16 Q. Who else?</p> <p>17 A. Allison Lee, Heather Nelson.</p> <p>18 Specifically therapists or</p> <p>19 psychiatrists?</p> <p>20 Q. Or psychologists.</p> <p>21 A. I don't recall the exact</p> <p>22 qualifications of any additional people</p> <p>23 that I -- doctors that I met with since my</p> <p>24 termination.</p> <p>25 Q. Do you recall meeting with any</p>

<p style="text-align: right;">Page 342</p> <p>1 K. Shiber 2 therapists or psychologists or 3 psychiatrists or mental health 4 professionals between September, 2020 when 5 you left Centerview and March, 2021 when 6 we've just identified that you started 7 speaking with Amy Eiten? 8 A. I don't recall. 9 Q. Okay. 10 And we already marked Dr. Lee's 11 medical records. I think that was 12 Exhibit 1, if you could pull that up. 13 A. No, it's six. 14 Q. Okay. 15 And let's look at Exhibit 6, Dr. 16 Lee's medical records, the second to last 17 page. Actually, it's probably starting at 18 the fourth to last page with the Bates 19 numbers ending in 72. 20 A. Okay. 21 Q. And do you see the date of 22 consultation on the top there as 23 October 13 of 2021? 24 A. Yes. 25 Q. And does this appear to be the</p>	<p style="text-align: right;">Page 344</p> <p>1 K. Shiber 2 stop seeing Dr. Lee? 3 A. I moved to California and she is 4 not licensed in California. 5 Q. Okay. 6 And then did you see any 7 providers after you saw Dr. Lee? 8 A. Yes. 9 Q. Who was that? 10 A. All providers? 11 Q. Who was the next provider that 12 you can recall seeing after Dr. Lee? 13 A. The next provider I believe was 14 Scott Rodriguez. 15 Q. And what are Scott Rodriguez's 16 qualifications? 17 A. I don't recall. 18 Q. Did Scott Rodriguez diagnose you 19 with any medical conditions or symptoms? 20 A. I don't recall. 21 Q. How long did you see Scott 22 Rodriguez? 23 A. I'm still seeing him. 24 Q. And do you recall when you began 25 seeing him?</p>
<p style="text-align: right;">Page 343</p> <p>1 K. Shiber 2 first date of notes in this medical record 3 of Dr. Lee? 4 A. It appears so on this document. 5 Q. Okay. 6 So does this refresh your 7 recollection that you first started seeing 8 Dr. Allison Lee in October of 2021? 9 A. Yes. 10 Q. And has Dr. Lee diagnosed you 11 with any medical conditions? 12 A. I don't recall. 13 Q. Has Dr. Lee prescribed any 14 medications? 15 A. I don't recall. 16 Q. Do you recall whether Dr. Lee 17 has prescribed any treatment methods to 18 deal with what you've identified as the 19 symptoms of your termination from 20 Centerview? 21 A. I don't recall. 22 Q. How long did you meet -- how 23 long were you seeing Dr. Lee for? 24 A. About two months. 25 Q. And when did you -- why did you</p>	<p style="text-align: right;">Page 345</p> <p>1 K. Shiber 2 A. Winter at the beginning of 2022. 3 Q. Is Scott Rodriguez your primary 4 care physician? 5 A. Yes. 6 Q. And do you recall seeing a 7 doctor by the name of Dr. Freedlander? 8 A. Yes. 9 Q. When did you see Dr. 10 Freedlander? 11 A. I believe in the fall of 2022. 12 Q. How many times did you see Dr. 13 Freedlander? 14 A. One time. 15 Q. Why did you see Dr. Freedlander 16 only one time? 17 A. Because I did not like him. I 18 felt like he just wanted to put me on an 19 increased dose or a very intense 20 medication with many side effects and I 21 felt that -- I didn't feel comfortable 22 with that recommendation after -- with 23 that recommendation. 24 Q. How many mental health providers 25 have you seen only one time?</p>

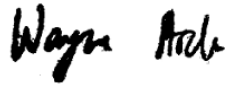
<p style="text-align: right;">Page 346</p> <p>1 K. Shiber</p> <p>2 A. I don't recall.</p> <p>3 Q. Well, we've talked about the two</p> <p>4 from Dartmouth.</p> <p>5 I think the names were Tony and</p> <p>6 Sarah, the first names, who you saw one</p> <p>7 time; correct?</p> <p>8 A. I think it was Todd.</p> <p>9 Q. Todd.</p> <p>10 A. I don't recall how many times I</p> <p>11 saw them?</p> <p>12 Q. Okay.</p> <p>13 And you saw Dr. Hu one time;</p> <p>14 correct?</p> <p>15 A. Can you define "saw"?</p> <p>16 Q. Sure.</p> <p>17 How many times did you consult</p> <p>18 with Dr. Hu in person?</p> <p>19 A. I believe it was twice.</p> <p>20 Q. Okay.</p> <p>21 And you saw Dr. Freedlander</p> <p>22 once; correct?</p> <p>23 A. Yes.</p> <p>24 Q. You've also identified Dr.</p> <p>25 Heather -- I don't know if she's a doctor,</p>	<p style="text-align: right;">Page 348</p> <p>1 K. Shiber</p> <p>2 discriminatory conduct; is that accurate?</p> <p>3 A. Yes.</p> <p>4 Q. Okay.</p> <p>5 In what way is Dr. Nelson going</p> <p>6 to support your allegations that you've</p> <p>7 suffered emotional distress due to</p> <p>8 Centerview's termination?</p> <p>9 MR. HELLER: Objection.</p> <p>10 THE WITNESS: I can't say what</p> <p>11 she might say.</p> <p>12 Q. You don't recall how many times</p> <p>13 I've seen Dr. Nelson since you began</p> <p>14 seeing her in the fall of 2022; is that</p> <p>15 correct?</p> <p>16 A. That is correct.</p> <p>17 Q. Is it more than five times?</p> <p>18 A. I don't recall.</p> <p>19 Q. Do you know whether it's one</p> <p>20 time?</p> <p>21 A. It's not one time.</p> <p>22 Q. Is it two times?</p> <p>23 A. It's not two times.</p> <p>24 Q. Is it three times?</p> <p>25 A. It's not three times.</p>
<p style="text-align: right;">Page 347</p> <p>1 K. Shiber</p> <p>2 but Heather Nelson as an individual in</p> <p>3 this litigation who you've seen?</p> <p>4 A. Yes.</p> <p>5 Q. Okay.</p> <p>6 When did you start seeing</p> <p>7 Heather Nelson?</p> <p>8 A. In the fall of 2022.</p> <p>9 Q. Do you recall what month?</p> <p>10 A. No.</p> <p>11 Q. And why did you start seeing Dr.</p> <p>12 Nelson?</p> <p>13 A. I started seeing her because I</p> <p>14 thought that I could benefit from seeing a</p> <p>15 mental health provider on an ongoing basis</p> <p>16 in speaking with them and getting their</p> <p>17 advice.</p> <p>18 Q. How many times have you seen Dr.</p> <p>19 Nelson?</p> <p>20 A. I don't recall.</p> <p>21 Q. And you've disclosed in this</p> <p>22 litigation that you are intending to rely</p> <p>23 on Dr. Nelson as to your disability and</p> <p>24 the emotional distress that you have</p> <p>25 suffered due to Centerview's</p>	<p style="text-align: right;">Page 349</p> <p>1 K. Shiber</p> <p>2 Q. Is it four times?</p> <p>3 A. I don't recall.</p> <p>4 Q. Okay.</p> <p>5 So it's at least three times but</p> <p>6 you don't know whether it's more than</p> <p>7 that; is that fair to say?</p> <p>8 A. I know it's more than three</p> <p>9 times. I don't know exactly the number.</p> <p>10 Q. Okay.</p> <p>11 And what have you discussed with</p> <p>12 Dr. Nelson?</p> <p>13 A. I've discussed a variety of</p> <p>14 topics about my life, my history, my</p> <p>15 symptoms of my disabilities, things that</p> <p>16 have happened to me in my life.</p> <p>17 Q. And has Dr. Nelson told you that</p> <p>18 you are suffering emotional distress as a</p> <p>19 result of your termination from</p> <p>20 Centerview?</p> <p>21 A. What do you mean by told me?</p> <p>22 Q. Is it your understanding, based</p> <p>23 on your communications with and meetings</p> <p>24 with Dr. Nelson, that you are, in fact,</p> <p>25 suffering emotional distress as a result</p>

<p style="text-align: right;">Page 350</p> <p>1 K. Shiber</p> <p>2 of Centerview's termination?</p> <p>3 A. Yes.</p> <p>4 Q. What is the basis of that</p> <p>5 understanding based on your meetings with</p> <p>6 Dr. Nelson?</p> <p>7 A. I feel that she has -- she's</p> <p>8 listened to what I described experiencing</p> <p>9 and confirmed that I appear to be</p> <p>10 suffering from distress and other issues</p> <p>11 as a result of the situation.</p> <p>12 Q. How has she confirmed that you</p> <p>13 appear to be suffering from distress and</p> <p>14 other issues as a result of the situation?</p> <p>15 A. I mean, I can't recall an exact</p> <p>16 quote, so I don't want to misattribute</p> <p>17 words when I can't recall exactly what she</p> <p>18 said.</p> <p>19 Q. Do you recall anything that she</p> <p>20 said that would in your mind lead you to</p> <p>21 believe that she was confirming that you</p> <p>22 were suffering from distress as a result</p> <p>23 of the Centerview termination?</p> <p>24 A. Yes.</p> <p>25 Q. And what was that?</p>	<p style="text-align: right;">Page 352</p> <p>1 K. Shiber</p> <p>2 variety of modalities, including cognitive</p> <p>3 behavioral therapy, continuation of</p> <p>4 variety a healthy lifestyle factors, and</p> <p>5 working on coping strategies to try and</p> <p>6 mitigate the impacts of the exacerbations</p> <p>7 of symptoms that I've been experiencing.</p> <p>8 Q. And have you sought or obtained</p> <p>9 cognitive behavioral therapy since first</p> <p>10 meeting with Dr. Nelson?</p> <p>11 A. Yes.</p> <p>12 Q. With who?</p> <p>13 A. Dr. Nelson.</p> <p>14 MS. SKIBITSKY: Okay.</p> <p>15 Can we mark as an exhibit what</p> <p>16 you guys have already but it's not</p> <p>17 marked.</p> <p>18 (Whereupon, a six-page document</p> <p>19 was marked Defendant's Exhibit 17</p> <p>20 for identification.)</p> <p>21 Q. Ms. Shiber, do you have</p> <p>22 Exhibit 17 in front of you?</p> <p>23 A. Yes.</p> <p>24 Q. And do you recognize this as a</p> <p>25 medical record from Dr. Hu at Dartmouth?</p>
<p style="text-align: right;">Page 351</p> <p>1 K. Shiber</p> <p>2 A. One example was I described to</p> <p>3 her how I had had an anxiety attack during</p> <p>4 a meeting with my current manager and she</p> <p>5 -- she acknowledged that she felt that the</p> <p>6 anxiety and the distress that I was</p> <p>7 experiencing were likely due to my</p> <p>8 experience of being mistreated at</p> <p>9 Centerview and that if someone had</p> <p>10 something like this happen to them in</p> <p>11 their first job out of college as I did,</p> <p>12 that it was definitely likely and obvious</p> <p>13 that this would continue to affect me on</p> <p>14 an ongoing basis.</p> <p>15 Q. Has she -- has Dr. Nelson</p> <p>16 prescribed you with any medication?</p> <p>17 A. No.</p> <p>18 Q. Has she prescribed any treatment</p> <p>19 plans to help you deal with any of the</p> <p>20 symptoms you've identified as resulting</p> <p>21 from Centerview's conduct?</p> <p>22 A. Yes.</p> <p>23 Q. And what are those treatment</p> <p>24 plans?</p> <p>25 A. Additional therapy using a</p>	<p style="text-align: right;">Page 353</p> <p>1 K. Shiber</p> <p>2 A. Yes.</p> <p>3 Q. Okay.</p> <p>4 Let's look at the second to last</p> <p>5 page, and it ends in priors underscore</p> <p>6 253.</p> <p>7 A. Okay.</p> <p>8 Q. And this is a February 12, 2021</p> <p>9 e-mail from Dr. Hu to yourself and Marylee</p> <p>10 Verdi.</p> <p>11 Do you see that?</p> <p>12 A. Yes.</p> <p>13 Q. And Dr. Hu writes, "Kate, hi.</p> <p>14 One, I only actually ever saw you once and</p> <p>15 there are only two notes from me in your</p> <p>16 chart, one of which is about the</p> <p>17 correspondence we had about</p> <p>18 accommodations".</p> <p>19 Do you see that?</p> <p>20 A. Yes.</p> <p>21 Q. Does this refresh your</p> <p>22 recollection that you only saw Dr. Hu one</p> <p>23 time?</p> <p>24 MR. HELLER: Objection.</p> <p>25 THE WITNESS: I don't recall how</p>

<p style="text-align: right;">Page 354</p> <p>1 K. Shiber</p> <p>2 many times I saw him.</p> <p>3 Q. Do you have any reason to</p> <p>4 believe that Dr. Hu was being inaccurate</p> <p>5 when he said in this e-mail that he only</p> <p>6 ever saw you once?</p> <p>7 A. Well, I thought that we had</p> <p>8 defined "saw" as speaking to Dr. Hu</p> <p>9 essentially whereas in my interpretation</p> <p>10 of that sentence, he's referring to seeing</p> <p>11 in person.</p> <p>12 Q. Okay.</p> <p>13 So would you agree that you only</p> <p>14 saw in person Dr. Hu one time?</p> <p>15 A. I don't recall.</p> <p>16 Q. Well, that's what this medical</p> <p>17 record says at least; correct?</p> <p>18 MR. HELLER: Objection.</p> <p>19 THE WITNESS: Yes.</p> <p>20 Q. And you only saw Todd and Sarah</p> <p>21 at Dartmouth one time; correct?</p> <p>22 A. As I said, I don't recall.</p> <p>23 Q. And you only saw Dr. Freedlander</p> <p>24 one time?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 356</p> <p>1 K. Shiber</p> <p>2 Q. And under subjective it says,</p> <p>3 "twenty-one-year-old F graduated 2020/06</p> <p>4 who asked to speak with me".</p> <p>5 Do you see that?</p> <p>6 A. Yes.</p> <p>7 Q. And then if we go down to the</p> <p>8 third paragraph from the bottom, Dr. Hu</p> <p>9 writes, "she requested that I write</p> <p>10 something summarizing my one visit work</p> <p>11 with her or later a letter attesting that</p> <p>12 my note is the one I wrote. Could be</p> <p>13 addressed to her or to whom it may</p> <p>14 concern. I will scan and e-mail it".</p> <p>15 Do you recall asking Dr. Hu now</p> <p>16 to write something summarizing your visit</p> <p>17 with him?</p> <p>18 A. I don't recall.</p> <p>19 Q. Okay.</p> <p>20 And Dr. Hu does actually provide</p> <p>21 you with a letter; correct? If we look at</p> <p>22 PROVIDERS_248, it's the second page of the</p> <p>23 document. He says, "here's the letter and</p> <p>24 note" on February 17, 2021?</p> <p>25 A. Yes.</p>
<p style="text-align: right;">Page 355</p> <p>1 K. Shiber</p> <p>2 Q. You asked Dr. Hu to write you a</p> <p>3 letter in connection -- for this</p> <p>4 litigation; is that correct?</p> <p>5 A. I don't recall.</p> <p>6 Q. Well, let's look at the same</p> <p>7 exhibit we've been looking at, Exhibit 17</p> <p>8 and priors underscore 251. Dr. Hu writes,</p> <p>9 "Kate, here's the letter and note. Let me</p> <p>10 know if you'd like me to change the letter</p> <p>11 and if I think I can reasonably do that, I</p> <p>12 will".</p> <p>13 Do you see that?</p> <p>14 A. Yes.</p> <p>15 Q. Okay.</p> <p>16 And so does that refresh your</p> <p>17 recollection that you did ask Dr. Hu to</p> <p>18 write you a letter in connection with this</p> <p>19 litigation?</p> <p>20 MR. HELLER: Objection.</p> <p>21 THE WITNESS: I don't recall.</p> <p>22 Q. And let's look at this page</p> <p>23 PROVIDERS_250.</p> <p>24 Do you see that?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 357</p> <p>1 K. Shiber</p> <p>2 Q. Does that refresh your</p> <p>3 recollection that you asked him to write</p> <p>4 you a letter and he did?</p> <p>5 A. I don't recall.</p> <p>6 Q. Let's look at the first page of</p> <p>7 the document and the first e-mail on the</p> <p>8 chain. It's from you February 17, 2021.</p> <p>9 A. Sorry, which page?</p> <p>10 Q. The first page of Exhibit 17.</p> <p>11 MR. HELLER: When you say the</p> <p>12 first page, do you mean the last page?</p> <p>13 THE WITNESS: Is it 247?</p> <p>14 Q. 247, that's the first page. You</p> <p>15 write, "hi, Dr. Hu, thank you for speaking</p> <p>16 with me earlier. Would you mind removing</p> <p>17 the one time".</p> <p>18 That's from the letter that he</p> <p>19 drafted; right?</p> <p>20 A. I don't recall.</p> <p>21 MS. SKIBITSKY: Can you please</p> <p>22 mark as Exhibit 18 this document.</p> <p>23 (Whereupon, a letter dated</p> <p>24 February 17, 2021 was marked</p> <p>25 Defendant's Exhibit 18</p>

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<p style="text-align: right;">Page 358</p> <p>1 K. Shiber 2 for identification.) 3 Q. Ms. Shiber, did you ever 4 receive -- 5 MR. HELLER: I think we've hit 6 seven hours. 7 THE VIDEOGRAPHER: I can't give 8 you an accurate reading until we go 9 off the record, but it's real close. 10 MR. HELLER: Why don't you finish 11 asking about this document. 12 MS. SKIBITSKY: Thanks. 13 Q. Ms. Shiber, you have Exhibit 18 14 in front of you; is that right? 15 A. Yes. 16 Q. Is this a letter that Dr. Hu 17 wrote to you upon your request? Does this 18 refresh your recollection? 19 A. I don't recall the request. 20 Q. Okay. 21 Do you recall receiving this 22 letter from Dr. Hu? 23 A. Yes. 24 Q. Okay. 25 And do you still have this</p>	<p style="text-align: right;">Page 360</p> <p>1 SHIBER vs. CENTERVIEW PARTNERS 2 1/25/2023 - KATHRYN SHIBER 3 ACKNOWLEDGEMENT OF DEPONENT 4 I, KATHRYN SHIBER, do hereby declare 5 that I have read the foregoing transcript, 6 I have made any corrections, additions, or 7 changes I deemed necessary as noted on the 8 Errata to be appended hereto, and that the 9 same is a true, correct and complete 10 transcript of the testimony given by me. 11 12 _____ 13 KATHRYN SHIBER Date 14 *If notary is required 15 16 SUBSCRIBED AND SWORN TO BEFORE ME THIS 17 _____ DAY OF _____, 20____. 18 19 20 _____ 21 NOTARY PUBLIC 22 23 24 25</p>
<p style="text-align: right;">Page 359</p> <p>1 K. Shiber 2 letter from Dr. Hu? 3 A. Yes. 4 Q. Do you know why this letter 5 wasn't produced in the course of this 6 litigation? 7 MR. HELLER: Objection. 8 THE WITNESS: I believe that it 9 was. 10 Q. Was it produced by you in the 11 course of this litigation? 12 A. I don't know. 13 MS. SKIBITSKY: No further 14 questions. 15 MR. HELLER: No questions. Thank 16 you. 17 THE VIDEOGRAPHER: That concludes 18 the testimony today of Ms. Kathryn 19 Shiber. 20 We are now off the record. 21 The time on the video monitor is 22 6:58 p.m. 23 (TIME NOTED: 6:58 p.m.) 24 25</p>	<p style="text-align: right;">Page 361</p> <p>1 2 * * * 3 4 I N D E X 5 WITNESS EXAMINED BY PAGE 6 K. Shiber Ms. Skibitsky 5 7 8 E X H I B I T S 9 DEFENDANT'S DESCRIPTION PAGE 10 Exhibit 1 Letter dated 11 October 28, 2022 53 12 Exhibit 2 Document entitled 13 Plaintiff's Response to 14 Defendant's Second Set of 15 Interrogatories 95 16 Exhibit 3 Document entitled 17 Plaintiff's Initial 18 Disclosures 104 19 Exhibit 4 Video clip (deemed marked) 107 20 Exhibit 5 Video clip (deemed marked) 113 21 Exhibit 6 Document entitled 22 Progress Notes 117 23 Exhibit 7 Letter dated 24 December 23, 2020 138 25</p>

<p style="text-align: right;">Page 362</p> <p>1</p> <p>2 I N D E X (continued)</p> <p>3 E X H I B I T S (continued)</p> <p>4 DEFENDANT'S DESCRIPTION PAGE</p> <p>5 Exhibit 8 E-mail dated</p> <p>6 September 15, 2020 163</p> <p>7 Exhibit 9 E-mail dated</p> <p>8 August 28, 2020 183</p> <p>9 Exhibit 10 E-mail dated</p> <p>10 August 28, 2020 203</p> <p>11 Exhibit 11 Letter dated</p> <p>12 September 1, 2020 225</p> <p>13 Exhibit 12 E-mail dated</p> <p>14 September 1, 2020 237</p> <p>15 Exhibit 13 Multipage document 303</p> <p>16 Exhibit 14 E-mail dated</p> <p>17 February 12, 2021 315</p> <p>18 Exhibit 15 E-mail dated</p> <p>19 February 12, 2021 319</p> <p>20 Exhibit 16 E-mail dated</p> <p>21 March 18, 2021 339</p> <p>22 Exhibit 17 Six-page document 352</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 364</p> <p>1</p> <p>2 CERTIFICATION BY REPORTER</p> <p>3</p> <p>4 I, Wayne Hock, a Notary Public of the</p> <p>5 State of New York, do hereby certify:</p> <p>6 That the testimony in the within</p> <p>7 proceeding was held before me at the</p> <p>8 aforesaid time and place;</p> <p>9 That said witness was duly sworn</p> <p>10 before the commencement of the testimony,</p> <p>11 and that the testimony was taken</p> <p>12 stenographically by me, then transcribed</p> <p>13 under my supervision, and that the within</p> <p>14 transcript is a true record of the</p> <p>15 testimony of said witness.</p> <p>16 I further certify that I am not</p> <p>17 related to any of the parties to this</p> <p>18 action by blood or marriage, that I am not</p> <p>19 interested directly or indirectly in the</p> <p>20 matter in controversy, nor am I in the</p> <p>21 employ of any of the counsel.</p> <p>22 IN WITNESS WHEREOF, I have hereunto</p> <p>23 set my hand this 27th day of January, 2023.</p> <p>24</p> <p style="text-align: center;"></p> <p>25 wayne HOCK</p>
<p style="text-align: right;">Page 363</p> <p>1</p> <p>2 I N D E X (continued)</p> <p>3 E X H I B I T S (continued)</p> <p>4 DEFENDANT'S DESCRIPTION PAGE</p> <p>5 Exhibit 18 Letter dated</p> <p>6 February 17, 2021 357</p> <p>7</p> <p>8</p> <p>9 * * *</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 365</p> <p>1 SHIBER vs. CENTERVIEW PARTNERS</p> <p>2 1/25/2023 - KATHRYN SHIBER</p> <p>3 E R R A T A S H E E T</p> <p>4 PAGE _____ LINE _____ CHANGE _____</p> <p>5 _____</p> <p>6 REASON _____</p> <p>7 PAGE _____ LINE _____ CHANGE _____</p> <p>8 _____</p> <p>9 REASON _____</p> <p>10 PAGE _____ LINE _____ CHANGE _____</p> <p>11 _____</p> <p>12 REASON _____</p> <p>13 PAGE _____ LINE _____ CHANGE _____</p> <p>14 _____</p> <p>15 REASON _____</p> <p>16 PAGE _____ LINE _____ CHANGE _____</p> <p>17 _____</p> <p>18 REASON _____</p> <p>19 PAGE _____ LINE _____ CHANGE _____</p> <p>20 _____</p> <p>21 REASON _____</p> <p>22 _____</p> <p>23 _____</p> <p>24 KATHRYN SHIBER Date</p> <p>25</p>

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Federal Rules of Civil Procedure

Rule 30

(e) Review By the Witness; Changes.

(1) Review; Statement of Changes. On request by the deponent or a party before the deposition is completed, the deponent must be allowed 30 days after being notified by the officer that the transcript or recording is available in which:

(A) to review the transcript or recording; and

(B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.

(2) Changes Indicated in the Officer's Certificate. The officer must note in the certificate prescribed by Rule 30(f)(1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period.

DISCLAIMER: THE FOREGOING FEDERAL PROCEDURE RULES ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY.

THE ABOVE RULES ARE CURRENT AS OF APRIL 1, 2019. PLEASE REFER TO THE APPLICABLE FEDERAL RULES OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

VERITEXT LEGAL SOLUTIONS
COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

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